

No.1	APPLICATION NO.	2019/0896/FUL
	LOCATION	69 Town Green Lane Aughton Ormskirk Lancashire L39 6SE
	PROPOSAL	Change of use from retail (A1) to a bar serving food (A3 / A4 use class). New Shopfront and external alterations. Outdoor seating area to front and revised car parking to rear.
	APPLICANT	Ms C Sinclair
	WARD	Aughton And Downholland
	PARISH	Aughton
	TARGET DATE	30th October 2019

1.0 REFERRAL

- 1.1 This application was to be determined under the Councils delegation scheme, however, Councillor Westley has requested that it be referred to Planning Committee to consider disturbance, impact on amenity, and appropriateness within Aughton village.

2.0 SUMMARY

- 2.1 The proposed bar will not have a detrimental effect on the vitality and viability of the village and will bring the vacant former Spar shop back into beneficial use. I now consider, following the receipt of amended plans that the proposed use, subject to appropriate safeguarding conditions, would not result in significant noise/odour impacts to neighbouring properties and thereby complies with the requirements of Policy GN3 of the Local Plan.

3.0 RECOMMENDATION: APPROVE with conditions

4.0 THE SITE

- 4.1 The application property is a vacant end building on the south side of Town Green Lane opposite the junction with Granville Park. The property was last used as a Spar shop which ceased trading in 2017. The upper floor is used as a separate residential flat with independent access.
- 4.2 The premises are part of a parade of 4 units which form the Town Green Local Centre with residential accommodation above. The former Cockbeck Tavern opposite has been converted to a retail Co-op Store. The surrounding area is residential with Town Green Railway Station nearby.

5.0 THE PROPOSAL

- 5.1 This planning application is made for a "Change of use from current (retail) to a bar serving food (A1 to A3 / A4 use class).
- 5.2 The amended site layout now only shows a small external seating area to the front. The outdoor seating areas with decking to rear and side have now been deleted.
- 5.3 The rear courtyard will provide parking for both the existing residential and proposed commercial use. An earlier proposal for a revised access from the unadopted lane to rear has now been deleted.

- 5.4 A new shopfront is proposed to emulate the traditional design of the building with a vestibule area.
- 5.5 The proposed opening hours are 1000 and 2300 hours Monday to Thursday; 1000 and 2330 hours, Friday and Saturdays and 1000 and 2230 on Sunday to reflect the Premises Licence.

6.0 PREVIOUS RELEVANT DECISIONS

- 6.1 2019/0039/LDP Certificate of Lawfulness - Proposed conversion of a single shop into two retail units (PERMITTED DEVELOPMENT).
- 6.2 1997/0066 Display illuminated projecting sign (GRANTED).
- 6.3 1991/0104 Conversion of one flat into two flats. (GRANTED).
- 6.4 1991/1366 Conversion of one flat to two flats (GRANTED).

7.0 CONSULTEE RESPONSES

- 7.1 Lancashire County Council (Highways) (30/09/19) No objection in principle to the proposed development providing the highway issue below can be addressed. Sight lines of 25 x 2.4m need to be provided in both directions from the centre of the new site access onto the unadopted Lane.
- 7.2 Lancashire County Council (Highways) (19/12/19) No objection as site now to be served off existing access.
- 7.3 Network Rail (23/09/19) and (02/01/20) Network Rail is placing a holding objection on the proposal as do not believe that the land owner has any existing rights to create a new access on to Network Rail land (the station lease area).
- 7.4 Environmental Health (08/01/20) No objections in principle subject to safeguarding conditions.
- 7.5 Lancashire Police (23/01/20) No objections. Detailed comments in respect of design of crime prevention measures.

8.0 OTHER REPRESENTATIONS

- 8.1 The Parish Council object to the proposal on the following grounds:

Public Nuisance - the selling of alcohol on and off the premises would give rise to 'noise nuisance' which would have an adverse impact on the adjacent dwellings and surrounding residential properties given the proposed operating hours;

Aughton has seen a large increase in 'Nuisance and Anti-social behaviour' over the last 12 months. Request consultation with the Lancashire Constabulary over the proposed change of use for this village location, proposed hours of use, public safety conditions and a crime and disorder;

Outside Areas - strong objections to this proposal for the use of outside areas for 'smoking and drinking alcohol' given the nearness of the residential properties e.g. potential noise and/or disturbance associated with customers;

Parking - there is very limited parking provision on site, particularly for the proposed staff numbers, or in the immediate vicinity, so late night taxis would be the only safe method for customers leaving the premises given the proposed operating hours;

The Parish Council Car Park, off Winifred Lane has been provided for the hirers of Aughton Village Hall plus others. This car park would not be made available to staff and customers of the proposed licensed premises;

Network Rail's comments on 'rights of access' have been noted and this would give rise to difficulties for access for delivery vehicles etc.

- 8.2 The Council has received several letters, objecting to the proposal on the following grounds:

Residential impacts

Noise nuisance to nearby residents particularly during the evening;

Risk in antisocial behaviour will increase;

Former public house opposite resulted in complaints to Police:

Smoking area next to 71 Town Green Lane would result in air pollution;

Loss of privacy;

Wine bar/restaurant would result in food smells

The land to the rear of the application site has recently been granted detailed planning approval ref 2019/0648/ARM "for four detached dwellings the owner of 71 Town Green has submitted an application to convert shop/accommodation into a single dwelling house; Elevated balcony to rear and elevated side entrance would cause privacy, overlooking and amenity issues.

Access and parking

Dangerous to pedestrian and highway safety;

Parking and unloading areas on the site of this proposal are restricted

Parking restrictions are frequently ignored and rarely enforced.

Cars already parked from using Coop and station. Use add to problem.

Extra cars would prevent access to homes and station

Lack of on-site parking will result in vehicles being displaced to other residential areas;

Proposed patio to rear would stop access/egress in a forward gear

Detrimental to amenity and personal health;

Conflict with private and commercial vehicles.

Visual amenity

Illuminated signage not inappropriate to area.

9.0 SUPPORTING INFORMATION

- 9.1 The applicant has submitted the following information:

Supporting statement.

10.0 RELEVANT PLANNING POLICIES

- 10.1 National Planning Policy Framework (NPPF) and the West Lancashire Local Plan 2012-2027 Development Plan Document provide the policy framework against which the development proposals will be assessed.

- 10.2 The site is located within a settlement area and small village centre/local centre as designated in the West Lancashire Local Plan.
- 10.3 National Planning Policy Framework (NPPF)
Ensuring the vitality of town centres
Achieving well-designed places
- 10.4 West Lancashire Local Plan (2012-2027)
GN3 Settlement Area
GN3 Criteria for Sustainable Development;
IF1 Small Village Centre's and Local Centre's
- 10.5 Supplementary Planning Document - Design Guide (Jan 2008)

11.0 OBSERVATIONS OF CORPORATE DIRECTOR OF PLACE AND COMMUNITY

Assessment

- 11.1 The main areas of consideration in determining this application are:

Principle of Development – loss of retail
Impact upon neighbouring properties
Design and external appearance
Highways and parking

Principle of Development

- 11.2 Policy IF1 is relevant in consideration of this proposal. This states within local centres proposals for a change of use from retail (i.e. Class A1 of the Use Classes Order) to other uses will be required to meet the following criteria:

The proposal, when taken cumulatively with other existing or consented non-retail uses, does not have a detriment effect upon the vitality and viability of the centre;
The proposal retains a pedestrian-level shop front with windows and display;
Any proposed non-A1 use should, wherever possible, have operational hours that include at least a part of traditional opening times (i.e. 9am-5pm). Uses that involve operational hours in the evening or night should not create inappropriate disturbance to residents or other users of the town centre and surrounding areas;
There is evidence that the unit has been marketed as a retail unit in accordance with Policy GN4;
At least 70% of pedestrian level units within the above areas should remain in class A1 retail use. The Council will not necessarily take the approach of allowing all proposals for change of use away from A1 until the proportion of units in A1 use drops below 70%.

- 11.3 The supporting statement advises the application site represents an A1 retail unit (formerly Spar convenience store) that has been vacant since August 2017. The property was vacated when the Cockbeck Pub was converted into a Co-op Store. The applicant has provided details on how the premises were marketed. The proposal includes an improved traditional shopfront design and the premises are to open during the working day.
- 11.4 The modest outdoor seating area at the front would add to the vitality of the local centre. Furthermore whilst the A3/A4 uses would attract custom in the evening the proposed opening hours encompass traditional day time opening hours which are considered acceptable in this location and would not lead to a dead frontage.

- 11.5 Given the prolonged period of marketing (2017-19) as a retail unit, I am satisfied the proposed bar will not have a detrimental effect on the vitality and viability of the village centre. I am also mindful that since the Local Plan designation the former Cockbeck Public House (A4) has been converted to a retail Co-op. The proposal will bring the vacant former Spar shop back into beneficial use.
- 11.6 The adjacent A1 retail units comprising an independent Butchers and Green Grocers and the now Co-op store opposite retain a strong A1 retail presence within the limited Small Village Centre. I therefore consider that the proposal meets the requirements of Policies IF1 and GN4.

Impact upon neighbouring properties

- 11.7 Paragraph 180 of the NPPF states that planning decisions should aim to 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. Policy GN3 of the West Lancashire Local Plan states that development should retain or create reasonable levels of privacy and amenity for occupiers of the neighbouring and proposed properties.
- 11.8 Cafe (A3) and Bar (A4) uses potentially can give rise to nuisance to surrounding residential properties by noise and disturbance from within the premises (plus any outdoor use), comings and goings outside the site by increased vehicular and pedestrian activity in the evening/night time and fumes/odours from associated cooking equipment and plant.

Noise from activities within the premises

- 11.9 The premises are to be located beneath residential flats and there are also houses across the road which could be affected by music/noise from within the premises. The suggested front elevation is all glass. Environmental Health consider: that a lobbied doorway should be provided to limit the outbreak of noise and that the rear door should not be used by customers; that no amplified music shall be played at the premises and that the sound insulation between the ground and first floor uses be either demonstrated to be sufficient or upgraded to give protection to noise from music, patrons and other activities inside. The applicant has amended the plans to reflect these requirements and has agreed to the conditions suggested by Environmental Health. Subject to these conditions I consider that internal noise from within the premises would be unlikely to give rise to noise and disturbance to nearby residential properties.

Noise from comings and goings

- 11.10 Licensed premises can also bring noise from patrons arriving at and leaving the premises both on foot and in vehicles and from outside activity. The raised outside seating areas to the rear and side have now been deleted and the amended site layout shows a small external seating area to the front. Subject to conditions restricting the hours of use of this area to no later than 2100 hours I consider this can be successfully mitigated. In respect of late evening/night activity the existing Coop opens to 2300 and the last Merseyrail train from Liverpool leaves Town Green after Midnight. There are therefore some late evening/night time comings and goings in the area. Subject to suitable conditions in respect of opening hours to match those already approved under the Premises License, I therefore consider the proposals acceptable

Odours

- 11.11 The bar/cafe would prepare and sell hot food and the applicant has submitted details of a kitchen extract system for the electrically powered cooking plant. Subject to safeguarding conditions I consider there will be no significant odour and noise impacts associated with the preparation of food.
- 11.12 I am satisfied that the proposed use, subject to appropriate safeguarding conditions, would not result in significant noise/odour impacts to neighbouring properties and thereby complies with requirements of Policy GN3 of the Local Plan.

Design and External appearance of development

- 11.13 In terms of design and the external appearance of the development, Policy GN3 of the WLLP together with the Council's SPD Design Guide states that new development should be of a scale, mass and built form, which responds to the characteristics of the site and its surroundings. Care should be taken to ensure that buildings do not disrupt the visual amenities of the street scene because of their height, scale or roofline.
- 11.14 The proposal would be to create a new shop front flush with the front elevation of the building. This would be in keeping with the adjacent shop units within this grouping. Stall risers are to be introduced and the scaling of these would follow advice contained in the Design Guide for shop fronts and is welcomed within the street scene. The general design and scale of the shop front is a significant improvement on the existing shop front and would benefit the area. As such it would not result in harm to the character of the building. Overall I am satisfied that the proposal would accord with Policy GN3 of the West Lancashire Local Plan 2012 to 2027, and the NPPF.

Highways and Parking

- 11.15 Policy GN3 of the Local Plan requires proposals for development to (amongst other things) incorporate suitable and safe access and road layout design and ensure that parking provision is made in line with the standards set out in Policy IF2.
- 11.16 LCC Highways previously raised a number of concerns regarding the proposed new vehicle access for this development. The applicant has now indicated that the site will be served from the existing access to the front of the site off Town Green Lane with a servicing area to side and staff/resident parking to rear. This arrangement is acceptable to LCC Highways.
- 11.17 In relation to parking there is some limited off street parking in front of the existing parade. The amended layout shows parking available to the rear for the residential accommodation and staff. The proposal is within a village centre and was previously in use as a Spar shop. It is not anticipated that the number of vehicular movements associated with the proposed use will exceed those associated with the former use. In this context I consider the proposed level of parking to be acceptable and the development complies with Policies GN3 and IF2 in respect of highways and parking.
- 11.18 Furthermore, the Highway Authority considers that the proposed development would have a negligible impact on highway capacity and highway safety within the immediate vicinity of the site.

12.0 **CONCLUSIONS**

12.1 I am satisfied that the proposed bar will not have a detrimental effect on the vitality and viability of the village and will bring the vacant former Spar shop back into beneficial use. I now consider, following the receipt of amended plans that the proposed use, subject to appropriate safeguarding conditions, would not result in significant noise/odour impacts to neighbouring properties and thereby complies with the requirements of Policy GN3 of the Local Plan. The design and the external appearance of the development is satisfactory and I consider the proposed development complies with Policies GN3 and IF2 in respect of highways and parking.

13.0 **RECOMMENDATION**

13.1 That planning permission is granted subject to the following conditions:

Condition(s)

1. The development must be begun not later than the expiration of three years beginning with the date of this permission.
Reason: To comply with the requirements of Section 91 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.
2. The development hereby approved shall be carried out in accordance with details shown on the following plans;
Site Location Plan 19.017 PL01 received by the Local Planning Authority on 4 September 2019
Existing and Proposed Site Plans 19.017 PL02 Rev B received by the Local Planning Authority on 17 December 2019
Existing and Proposed Site GA Floor Plans 19.017 PL03 Rev A received by the Local Planning Authority on 17 December 2019
Proposed Elevations 19.017 PL05 Rev Dec19 received by the Local Planning Authority on 17 December 2019
Reason: For the avoidance of doubt and to ensure compliance with the provisions of Policy GN3 in the adopted West Lancashire Local Plan 2012-2027 Development Plan Document.
3. Customers shall not be served or accommodated in the premises except between the hours of 1000 and 2300 hours Monday to Thursday, between the hours of 1000 and 2330 hours Friday and Saturdays and between the hours of 1000 and 2230 Sundays unless otherwise agreed in writing with the Local Planning Authority.
Reason: To safeguard the amenities of nearby residents and to comply with Policy GN3 in the adopted West Lancashire Local Plan 2012-2027 Development Plan Document
4. Deliveries of goods/services and collections of waste from the premises shall only take place between the hours of 0800 and 2000 Monday to Saturday and at no time on Sundays and Bank Holidays
Reason: To safeguard the amenities of nearby residents and to comply with Policy GN3 in the adopted West Lancashire Local Plan 2012-2027 Development Plan Document
5. The outdoor seating area to the front of the premises shall only be available for use between the hours of 1000 and 2100 hours and shall be removed or otherwise secured to prevent use by customers and patrons outside of these hours
Reason: To safeguard the amenities of nearby residents and to comply with Policy GN3 in the adopted West Lancashire Local Plan 2012-2027 Development Plan Document
6. The acoustically glazed lobbied area to front external door shall be installed as detailed in the Existing and Proposed Site GA Floor Plans 19.017 PL03 Rev A received by the Local Planning Authority on 17 December 2019 and permanently retained at all times that the proposed use is in operation.
Reason: To safeguard the amenities of nearby residents and to comply with Policy GN3 in the adopted West Lancashire Local Plan 2012-2027 Development Plan Document

7. Prior to the commencement of the use hereby approved the sound insulation scheme to the walls and ceiling shall be installed as detailed in the Design and Access statement (dated 2.09.2019/ REF19-017).
The sound insulation measures shall be retained in full at all times that the proposed use is in operation.
Reason: To safeguard local residents from noise and disturbance, and to comply with Policy GN3 in the West Lancashire Local Plan 2012-2027 Development Plan Document
8. Prior to the commencement of the use hereby approved the kitchen extract system shall be installed as detailed in the Design and Access Statement (dated 2.09.2019/ REF19-017). As per the requirement for this system only electrically powered cooking plant and equipment shall be used on the premises. No other systems shall be installed thereafter without the express written consent of the Local Planning Authority.
Reason: To safeguard the amenities of neighbouring occupiers, in respect of odour and noise generation and to comply with Policy GN3 in the West Lancashire Local Plan 2012-2027 Development Plan Document.
9. Prior to the commencement of the use hereby approved the bin store shall be erected (in accordance with Plans 19.017 PL02 Rev B and 19.017 PL05 Rev Dec19) and shall be made available for use for waste facilities at all times that the proposed use is in operation.
Reason: To reduce and manage waste generated from the development in accordance with Policy GN3 in the West Lancashire Local Plan 2012-2027 Development Plan Document
10. No live music or live entertainment shall take place on the premises at any time.
Reason: To safeguard local residents from noise and disturbance, and to comply with Policy GN3 in the West Lancashire Local Plan 2012-2027 Development Plan Document
11. The rear external door to the east elevation as accessed from the ancillary lobby shall not be available for use as a public entrance or exit at any time and shall be used by only by staff and for deliveries.
Reason: To safeguard local residents from noise and disturbance, and to comply with Policy GN3 in the West Lancashire Local Plan 2012-2027 Development Plan Document
12. Access to the rear garden / courtyard area shall not be allowed by patrons or members of the public at any time.
Reason: To safeguard local residents from noise and disturbance, and to comply with Policy GN3 in the West Lancashire Local Plan 2012-2027 Development Plan Document
13. Prior to any external works being carried out the materials to be used on the external surfaces of the development (brickwork, cladding, roofing materials, fenestration along with materials used in any hard surface) shall be submitted to and approved in writing by the Local Planning Authority.
The development shall be carried out only in accordance with the agreed schedule of materials
Reason: To ensure that the external appearance of the building is satisfactory and that the development therefore complies with the provisions of Policy GN3 in the adopted West Lancashire Local Plan 2012-2027 Development Plan Document

Reason for Approval

1. The Local Planning Authority has considered the proposed development in the context of the Development Plan including, in particular, the following Policy/Policies in the adopted West Lancashire Local Plan 2012-2027 Development Plan Document:
GN3 Settlement Area
GN3 Criteria for Sustainable Development;
IF1 Small Village Centre's and Local Centre's
together with Supplementary Planning Guidance and all relevant material considerations. The Local Planning Authority considers that the proposal complies with the relevant Policy criteria and is acceptable in the context of all relevant material considerations as set out in

the Officer's Report. This report can be viewed or a copy provided on request to the Local Planning Authority.