

<b>No.5</b>	<b>APPLICATION NO.</b>	2020/0439/FUL
	<b>LOCATION</b>	Eden Tearoom And Galleries Course Lane Newburgh Wigan Lancashire WN8 7UB
	<b>PROPOSAL</b>	Variation of condition no 7 imposed on planning permission 2016/1151/FUL to allow the premises to operate later opening hours and in order to cater for functions at weekends to diversify the business. To extend operating hours to Sunday 08:00 -21:00; Monday to Thursday 08:00 - 22:00; Friday - Saturday 08:00 - 00:00.
	<b>APPLICANT</b>	Paula Rose Ltd
	<b>WARD</b>	Newburgh
	<b>PARISH</b>	Newburgh
	<b>TARGET DATE</b>	29th July 2020

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## **1.0 REFERRAL**

- 1.1 This application was to be determined under the Council's delegation scheme however Councillor Pope has requested it be referred to Committee to consider the impact on neighbour amenities, noise pollution, light pollution and highways impact.

## **2.0 SUMMARY**

- 2.1 The proposed variation of condition 7 imposed on application reference 2016/1151/FUL to allow for later opening hours is considered acceptable subject to a number of conditions including a temporary 1 year permission. Subject to the suggested conditions, I am of the view that the later opening hours would not impact significantly upon the amenities of neighbouring properties, the highway network or the Green Belt. This application is therefore considered to be compliant with the relevant policies in the adopted West Lancashire Local Plan and the NPPF.

## **3.0 RECOMMENDATION: APPROVE subject to conditions.**

## **4.0 THE SITE**

- 4.1 The site relates to Eden Tea Rooms and Gallery which is located to the northern side of Course Lane. The building has recently been renovated and is set back from the road frontage by about 15 metres. There are 3 egresses to the site which all lead to an area of hardstanding / parking to the front of the unit. The remainder of the frontage is grassed.
- 4.2 To the rear, north of the site is an agricultural building (subject to application ref 2020/0809/FUL) and beyond this is agricultural land. To the east and south are residential dwellings. To the west is agricultural land.
- 4.3 The site is located within the Green Belt but lies adjacent to the settlement boundary of the Rural Sustainable Village of Newburgh.

## **5.0 THE PROPOSAL**

- 5.1 Planning permission is sought for the variation of condition no. 7 imposed on planning permission 2016/1151/FUL. Condition number 7 reads:

*'The premises shall only be open to customers and deliveries/collections shall only be made between the hours of 08:00 and 18:00 Monday to Saturday and 09:00 and 18:00 on Sundays and Public/Bank Holidays.'*

*Reason – to safeguard the amenity of adjacent properties and the area generally and so comply with the provisions of Policy GN3 in the adopted West Lancashire Local Plan 2012-2027 Development Plan Document.*

- 5.2 The current application seeks to extend the approved opening hours to allow for a diversification of the business. The hours which are requested are;  
08:00 - 21:00 - Sunday  
08:00 - 22:00 - Monday to Thursday  
08:00 - 00:00 - Friday and Saturday
- 5.3 The proposed hours have been amended and reduced since the submission of the application following advice from officers.
- 5.4 The applicant has provided a written statement which outlines the intentions of the business moving forward. It is intended during the week to run small workshop / classes in the evening in the designated craft/ potting room. It is also intended in the evenings to host events such as 'wine and cheese' nights or gin tasting. The applicant has expressed wishes to serve alcoholic beverages with these workshops. The applicant has also outlined that they wish to hold pre booked functions at weekends.
- 5.5 A Licence application has also been submitted to West Lancashire Borough Council and was approved on the 09.09.2020. The hours approved under the Licence differ slightly from the planning applications and are as follows; Sunday to Thursday 08:00 to 23:00, Friday and Saturday 08:00 to 23:00 unless there is a pre-arranged function when the terminal hour will be 01:00. The licence grants permission for alcohol to be served on the premises and for live and recorded music indoors. The licence is subject to strict conditions. However planning and licensing are separate legislative regimes and the existence of a licence does not override the need for the applicant to obtain planning permission for extended opening hours.

## **6.0 PREVIOUS RELEVANT DECISIONS**

- 6.1 2020/0786/FUL - Retention of hardstanding to side of existing building. PENDING CONSIDERATION
- 6.2 2020/0785/FUL - Retrospective application for the retention of the changes from the approved plans of planning permission 2016/1151/FUL - retention of metal gates and fencing to the frontage of the site, aggregate to the car parking surface, relocation of cycle rack and bin store provision, marking out of car parking spaces and not to install 1m & 2m high fencing to side and rear of grassed area. PENDING CONSIDERATION
- 6.3 2020/0727/FUL - Retention of two satellite dishes on the front elevation of the building. APPROVED
- 6.4 2020/0624/CON - Approval of Details Reserved by Condition No 8 of planning permission 2016/1151/FUL relating to details of mechanical ventilation and odour filtration systems. CONDITION APPROVED
- 6.5 2020/0546/FUL - Variation of Condition No 2 imposed on planning permission 2016/1151/FUL to substitute approved plan 04 for plan reference 1499-005 to incorporate an outdoor seating area and a pergola. WITHDRAWN

- 6.6 2020/0515/NMA - Non-material amendment to planning permission 2016/1151/FUL - Relocate disabled parking bays. WITHDRAWN
- 6.7 2017/0950/CON - Approval of Details Reserved by Condition No's. 3, 9 and 10 of planning permission 2016/1151/FUL relating to sustainable drainage principles and surface water sustainable drainage scheme, external lighting, and one-way system. CONDITION APPROVED
- 6.8 2017/0651/CON - Approval of Details Reserved by Condition Nos. 3, 4, 5, 9, 10, and 11 of planning permission 2016/1151/FUL relating to sustainable drainage principles & surface water sustainable drainage scheme, external facing & roofing material, landscaping scheme, external lighting, one-way system, access, and parking & turning areas – PART APPROVED / PART REFUSED
- 6.9 2016/1151/FUL - Internal and external works to building including extensions to front and rear; recladding and glazing; revised roof and creation of mezzanine floor; car parking; to create retail and cafe units and ancillary facilities – APPROVED
- 6.10 2013/1338/PNC - Application for determination as to whether prior approval of details is required - Change of use to a flexible use of Class A1 (Shops), Class A2 (Financial and Professional Services), Class A3 (Restaurants and Cafes), Class B1 (Business), Class B8 (Storage or Distribution), Class D2 (Assembly or Leisure) from an agricultural building – APPROVED
- 6.11 2010/1215/COU - Change of use of existing farm shop to B1 and/or B8 uses. (Re submission of planning permission 2009/0701/COU including details of hours of operation) – APPROVED
- 6.12 2009/0701/COU - Change of use of existing farm shop to B1 and/or B8 use – REFUSED (Dismissed at appeal)
- 6.13 1997/0036 - Use of building for farm shop/sale of garden requisites/local needs provisions, creation of car park and alterations to access – REFUSED
- 6.14 1993/0888 - Application for determination as to whether prior approval is required for details - glasshouse – APPROVED

**Adjacent barn / land to the rear**

- 6.15 2020/0809/FUL - Use of the building for storage and staff facilities in association with adjacent cafe and gallery and occasional use for public events such as an artisan market (no more than 21 days each year) together with the retention of hard standing areas, the enlargement of fire doors and the use of the neighbouring field as an overspill car park (only to be used for days of the public event). PENDING CONSIDERATION
- 6.16 2018/0072/CON - Approval of Details Reserved by Condition Nos 3, 4, and 6 of planning permission 2017/0738/FUL relating to a scheme for the separate foul and surface water drainage of the site; external facing and roofing materials and details of the materials to be used in the construction of the hardstanding. CONDITIONS APPROVED
- 6.17 2017/0738/FUL - Replace existing greenhouses with new agricultural building. APPROVED

- 6.18 2016/1245/FUL - Replace existing greenhouse with new agricultural storage building – APPROVED
- 6.19 2016/0951/PNP - Application for Determination as to Whether Prior Approval is required for Details - Agricultural storage building - WITHDRAWN

## **7.0 CONSULTEE RESPONSES**

- 7.1 Highway Authority -  
02.10.2020  
No objection  
The proposal should have a negligible impact on highway safety and highway capacity within the immediate vicinity of the site.

- 7.2 **Environmental Protection** – 01.10.2020  
Some concerns raised regards the proposal.  
Recommends a number of conditions including:

A temporary permission for 1 year;  
Implementation in accordance with the submitted Noise Management Plan;  
Restrictive conditions for mechanical ventilation / extraction and odour filtration systems;  
Restrictive noise conditions;  
Personal permission to applicant;  
External lighting.

## **8.0 OTHER REPRESENTATIONS**

### **8.1 Newburgh Parish Council**

01.10.2020

Newburgh Parish Council notes the proposed reduction in opening hours by the applicant in relation to this application. However, we feel that the hours suggested will still have a negative impact on neighbour amenity and the character of our village in general as described in our original objection. Newburgh Parish Council continues to strongly object to this planning application.

23.07.2020

Newburgh Parish Council has already responded to application 2020/0439/FUL submitting that the late opening hours should be reconsidered in view of the potential impact on neighbour amenity and objecting to the proposed 1am closing time on Friday and Saturday.

The supporting statement by Eden Tea Rooms exemplifies the events for which the opening hours extension is required. These do not require an extension of opening hours to 11pm and as recommended in our earlier submission should be brought forward to an earlier closing time that presents no threat to neighbour amenity. The requirement for a 1am extension on Friday and Saturday is similarly unnecessary for "occasional wedding anniversaries etc.". Whatever internal noise controls are applied, the departure of guests at times up to 1am presents the risk of late night external noise. The potential impact of the late hours on the character of a rural village is unacceptable. Once granted the potential exists for the late hours to affect neighbour amenity at any time in the future whatever present intentions may be.

Newburgh Parish Council is concerned about the haphazard nature of the planning process for this application.

The process for licensing the premises was not transparent, nor did the process include any notification to the village. Now the process for consultation has had to be repeated.

The original planning application on 3 June 2020 offered as the reason for the change in hours no more than "to assist with the viability of the business" (Cass Associates Planning Statement 3.4) and "to maintain and diversify a viable business" (idem 4.2). Only now, more than six weeks later is there any evidence of what this diversification may mean. Subsequently two further applications have been submitted and then withdrawn. There have also been breaches of the original planning application.

Newburgh Parish Council objects to this planning application and urges that a comprehensive and coherent plan for the enterprise should be submitted rather than this disjointed and piecemeal approach.

25.06.2020

Our understanding is that the centre will be: a venue for art to flourish; a tearoom and lounge for relaxation during the day; an activity centre where new skills such as pottery can be learned; a social venue for events such as cheese and wine tasting; a venue for makers markets; and a venue for occasional weekend events.

An alcohol licence has already been granted for the hours of 08.00 and 23.00 Mon - Thurs and Sunday and 08.00 - 01.00 on Friday and Saturday. We note the strict conditions applying to the licence.

Newburgh Parish Council supports the purpose of the centre and believes it will be an important asset for the village. We recognise however the objections from residents on the potential impact on neighbour amenity - light emissions, noise and parking - from the late opening hours (particularly the 01.00 closing time at weekends) and recommend that:

- 1) the controls to protect neighbour amenity are thoroughly reviewed by West Lancashire Borough Council against planning regulations and any appropriate conditions are applied to any planning consent
- 2) the late opening hours are reconsidered and adapted to be consistent with both the aims of the Tea Room and neighbour amenity.

The alcohol Licence contains conditions and any planning permission should adopt the same stringent conditions and be effectively monitored.

Taking all the above into account Newburgh Parish Council objects to the 1am extension to the weekend opening hours.

## **8.2 Neighbours representations**

Objections to the proposed development have been received on the following grounds:

### **Principle of development**

What is being proposed is an entirely different usage from what the building has permission for;

Opening hours are too late for a gallery and tea / cake shop;

The current proposal to change the restrictions imposed by the original approved planning application constitutes a new planning application and as such the full planning process should be started again to allow a proper consideration of the implications of the proposed changes;

The planning application would appear to make the building into a Public House and not the Farm shop, Tearooms and Galleries for which it was originally intended;  
The building would be more akin to a public house or night club.

### **Green Belt / rural setting / Character of area**

GN3 states each area of the district should retain its own distinctive character and this type of business will be detrimental to the unique character and history of the village;  
The development is against policy GN3 part 1 subsections ii and iii in that it fails to show any regard for the historic character of the site which was open agricultural land followed by an agricultural barn and farm shop which operated normal shop hours;  
Newburgh is a residential and agricultural area, the proposed use would be entirely out of character for the area;  
The premises itself is built directly on greenbelt and is a totally unsuitable use;  
Newburgh is a Conservation Area and the proposal and site is not in keeping with the character of the area;  
Cars left overnight in the car park will result in cars being parked 24 hours a day in this Green Belt location;  
Newburgh is a village not a town or city centre where this type of venue is more appropriate.

### **Impact to the amenity of nearby residents**

#### *General:*

This application should be refused on Policy GN3 as it fails to adequately protect the amenity of near neighbours to the premises;  
A temporary permission for 1 year is unacceptable – the residents have suffered enough.

#### *Noise Pollution:*

The hours will impact upon sleep;  
Late night functions with DJ's and live music will result in excessive noise;  
Glass fronted / metal building therefore no noise insulation or protection from vibrations;  
People leaving the venue late at night then staff leaving after this will cause disturbance;  
Car doors banging, engines revving, noise from people shouting;  
Newburgh is a quiet village and sound travels;  
Noise from vehicles e.g. taxis / minibuses dropping off / picking people up;  
Newburgh is not the right place for an amplified music venue;  
Noise and disturbance can be heard from The Tawd Vale Scouts annual event, Newburgh Fair and the Sports club – the disturbance from Eden Tea room would be every night;  
DJs and musicians will want to bring and use own sound systems to the premises and therefore noise disturbance cannot be appropriately monitored.

#### *Light pollution:*

The building is glass fronted and therefore light pollution would be significant later in the evening/night;  
The building has no blinds and as such strobe lighting and flashing lights from the venue would be significant against the Green Belt backdrop;  
Glare from vehicle lights to properties directly opposite;  
Environmental Health comments make no reference to light pollution.

#### *Antisocial behaviour:*

Possibility of drug issues;  
Spread of litter and rubbish, especially if litter bins will not be available;  
Shouting;  
Crime and burglary increase.

### *Loss of Privacy:*

Direct line of sight from the first floor into private properties of the houses opposite;  
Overbearing and intrusive invasion of privacy into habitable rooms;  
Blinds should be used to avoid direct overlooking.

### *Social well-being of residents:*

Would cause noise and disturbance late at night in an area where there are elderly and young families;  
Loss of sleep;  
Impact upon mental health.

### **Practicality of monitoring**

Monitoring will be left to the applicants and staff who will be biased to the venue;  
The submitted Noise report has been given undue weight by the licensing committee. The Council should commission an independent investigation;  
Measures put in place to control noise are unenforceable;  
Public nuisance, even in a well-run and regulated venue will be a constant feature during operating hours after 8pm.

### **Traffic / highways safety**

The proposal would result in an increase in traffic at all times of the day and would be particularly noticeable late at night when Course Lane quietens down;  
Will create danger on the roads late at night;  
Traffic in the area is already busy, overcrowded and noisy;  
Existing road infrastructure and parking cannot accommodate the proposal;  
Increase in traffic would reduce the speed in which emergency vehicles can access the area;  
Parking concerns – overflow onto neighbouring streets resulting in a hazard and nuisance;  
Limited connection to local public transport to move visitors to the site and away from the venue when the event has finished;  
Traffic noise can already be heard from surrounding streets;  
Concerns regards the condition and capacity of the main road through Newburgh. The road has more than the average number of accidents, both minor and serious, of comparable roads;  
No improvements to the roads are proposed and these are full of pot holes;  
Increased pedestrian access to the site – potential hazard when patrons have had a drink and there is limited lighting.

### **Ecology**

There is a large bat population in the area which will potentially be damaged by the increase in noise and light pollution;  
Site around the tea rooms is frequented by Skylarks, Thrushes, Tree-Sparrows, Bats, hares etc. many of which breed close by. These will be disturbed;  
There are livestock kept in fields and stables within 500m of the building. This rural location is just not suitable for an amplified music venue or regular late-night parties/events, licenced or not.

### **Drainage / flooding**

There are current known flooding issues on Course Lane (and surrounding fields and area), and with many more cars accessing this site throughout the day and night it will

cause more water logging due to mud and sludge being forced onto the road and blocking the drains.

### **Demand for business / usage of venue**

Newburgh is a small community and already has enough facilities to cater for late night entertainment, another is not needed;  
Customers will likely be from outside the area and as such have little regard for Newburgh residents.

### **Other matters**

The applicant claims that the extended hours are required to make the business viable but this is a new site. Surely diversification is not required so quickly;  
The proposed use of the premises is not for the benefit on Newburgh it is for the benefit of a corporate business located outside the county;  
It is suggested it will create significant employment for the area. In my experience employment in these type of premises is usually taken up by students on a part time basis who reside outside of the area rather than its residents;  
The venture will not increase employment in the area substantially;  
Wider notification of residents should have been carried out by the Council as all of Newburgh will be affected by the proposal;  
The applicant has not consulted at all with local residents or the Parish Council.

### **On-going issues at the site**

Deliveries are currently being taken from 06:00 onwards contrary to the existing opening hours. Environmental Health have been involved in trying to deal with this issue;  
Events are taking place outside of the approved opening hours such as markets, evening classes etc. If the applicant is not abiding by these hours where is the confidence they will abide by any future restrictions;  
Continuous advertisement of upcoming events – blatant disregard for the planning restrictions or local residents;  
The number of other planning breaches at the site is a concern.

1 neighbouring letter of support has been received and can be summarised as follows:

Beautifully fitted out establishment;  
Asset to the village.

## **9.0 SUPPORTING INFORMATION**

- 9.1 **Planning statement**, Cass Associates (May 2020) received by the Local Planning Authority on the 03.06.2020.
- 9.2 **Noise Management Plan**, Sustainable Acoustics received by the Local Planning Authority on the 08.09.2020.

## **10.0 RELEVANT PLANNING POLICIES**

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



10.2 The site is located in the Green Belt.

10.3 **NPPF**

Building a strong and competitive economy

Protecting green belt land

Conserving and enhancing the natural environment

10.4 **West Lancashire Local Plan (WLLP) 2012-2027 DPD**

Policy GN1 – Settlement Boundaries

Policy GN3 – Criteria for Sustainable Development

Policy EC2 – The Rural Economy

Policy EN2 – Preserving and Enhancing West Lancashire's Natural Environment

Policy IF2 - Enhancing Sustainable Transport Choices

10.5 **Supplementary Planning Document**

Design Guide (2008)

Development within the Green Belt (2015)

11.0 **OBSERVATIONS OF CORPORATE DIRECTOR OF PLACE AND COMMUNITY**

Impact upon amenity

11.1 Policy GN3 of the Local Plan states that proposals for development should retain reasonable levels of amenity for neighbouring properties. The principle consideration relating to this application is whether the increased evening / night time activity will cause a disturbance to the amenity of the neighbouring occupiers.

11.2 The site is located within the Green Belt however is directly adjacent to the settlement area of Newburgh. To the east and south of the site are residential dwellings. To the north and west is agricultural land. Eden Team Rooms is set back from the road and occupies detached premises.

11.3 The site currently has planning permission and is in use as a tea room and gallery with opening hours from 08:00 – 18:00 Monday to Saturday and 09:00 – 18:00 Sundays and Bank/Public Holidays. The use of the building is to remain unchanged as part of the application however it is intended to run small workshops and classes, and have events such as cheese and wine nights or gin tasting midweek. The extended hours at the weekend are to cater for pre booked private functions. To assist with these new aspects of the business the applicant seeks permission to extend the current opening hours.

11.4 Numerous letters of objection have been received from local residents concerned about loss of amenity in terms of noise disturbance from the proposed extended hours of operation for the premises. As well as concerns about noise from inside the building, residents have made representations to the Council which raise strong concerns that associated noise from outside of the building during the late night functions and at the end of events will cause significant disturbance. It is acknowledged that late night functions can bring noise from patrons from outside areas for example, patrons smoking outside, from patrons arriving and leaving the venue with noise from cars, taxi's etc. and this type of noise can be more difficult to control than noise from within the building.

11.5 Newburgh is relatively quiet particularly in the evening. However there is a precedent for late night facilities within the village. The Red Lion public house has opening hours until midnight Sunday to Thursday and 00:30 Friday and Saturday. Consequently if planning

permission were granted, the Tea Rooms would not be the only premises in the area to benefit from later opening hours.

- 11.6 As part of the assessment of this application the Council's Environmental Health team has been consulted. The EHO has raised some concerns about extending the hours in terms of noise, particularly if the venue is not operated as is stipulated within the application. However based on the location of the site and the information submitted by the applicant the EHO has advised that the proposal should not result in significant harm to the amenities of neighbouring properties, subject to the imposition of appropriate conditions.
- 11.7 As part of the application a Noise Management Plan has been submitted. The Noise Management Plan details the sound system installed within the tea room building and includes background noise levels and noise levels at a number of locations with the sound system in full use. The assessment suggests that noise emanating from inside the venue, at the boundary of residential properties is unlikely to cause a disturbance and the EHO agrees with its findings. Whilst the Council is satisfied with this assessment, to ensure the amenity of neighbouring residents are protected, it is intended to attach a noise level condition which must be met at the boundary of residential properties.
- 11.8 A Premises Licence for the venue has been granted and so noise from licensable activities and entertainment / music will also be mitigated through this regime. The Noise Management Plan which forms part of the Premises Licence must be implemented by the venue and also acts to address potential outdoor noise issues. For example, the Plan requires notices be displayed reminding customers to leave the premises quietly and respect nearby residents, and customers will not be permitted to sit outside after 9pm except for smoking.
- 11.9 The EHO has recommended that a planning condition be imposed to require the premises to be operated in full accordance with the Noise Management Plan. However many of the elements contained within the NMP are unenforceable under the planning regime and are more appropriate for consideration under licensing legislation. Paragraph 183 of the National Planning Policy Framework is quite clear that planning decisions should be on whether proposed development is an acceptable use of land, rather than the control of emissions (noise) (where these are subject to separate pollution control regimes). Planning decisions should assume that these regimes will operate efficiently. Whilst from a planning perspective it would be inappropriate to condition that the development be carried out in accordance with the NMP, there is sufficient comfort in this regard as the site operators are obliged to comply with the Plan as a condition of their Premises Licence.
- 11.10 Should this application be granted approval, the Council's EHO has recommended a temporary permission for a period of one year. This would allow a full assessment of whether the Noise Management Plan is completely effective in protecting nearby residents from disturbance and whether the premises are being managed effectively. I consider that this is a practical approach which will allow the applicants to demonstrate that the site can be appropriately managed during the later opening hours.
- 11.11 A number of other conditions relating to noise, lighting and mechanical ventilation extractor systems will also be attached should planning permission be granted. These will ensure that there is no adverse impact from lighting outside the building or from odours or noise from the extraction equipment.
- 11.12 On balance I consider that the applicant has supplied detailed and achievable measures to monitor and control disturbance to neighbouring amenities. However this can only be fully assessed through operation and as such a temporary permission of 1 year is

recommended to allow the premises to demonstrate that they can comply with the conditions proposed and maintain the amenity of neighbouring properties.

#### Highways / parking

- 11.13 The proposal does not seek any alterations to the existing parking layout or parking provision at the site. The proposal would not increase the potential numbers or capacity of visitors to the site from those which were deemed acceptable under application ref 2016/1151/FUL. As such the parking standards which were assessed under application ref 2016/1151/FUL are still valid for this proposal and as such the level of on-site car parking is considered acceptable.
- 11.14 It is not anticipated that the proposed extension to the opening hours would result in any significant increase in traffic to the site however it is accepted that vehicles will be accessing the site later in the evening. This however is when the traffic on Course Lane is quieter.
- 11.15 Lancashire County Council as Highway Authority have been consulted with regard to the application and are satisfied that the alterations to the opening hours would have a negligible impact on highway safety and highway capacity within the immediate vicinity of the site. I am therefore satisfied that the proposal would accord with Policy GN3 and IF2 of the Local Plan in this regard.

#### Other matters raised by neighbouring residents

##### *Change of use to a public house or night club*

- 11.16 I note numerous concerns raised by residents that the unit would have the potential to turn into a public house or night club if the extended opening hours were approved. Any change in use to a public house / night club would require further planning permission which would be open to public scrutiny in the same manner as this application.

##### *Green Belt*

- 11.17 The site is located within the Green Belt. The proposed change in hours would not result in a significant intensification of the existing use and would not result in any alterations to the physical presence of the site. As such no impact to the openness of the Green Belt would result nor would the proposal conflict with one of the purposes of including land within it. As such I am satisfied that the proposal would not harm the Green Belt and as such accords with Policy GN1 of the Local Plan and Section 13 in the NPPF.

##### *Ecology*

- 11.18 I note neighbouring concerns that the proposed opening hours would result in increased light pollution in the evening that would have a detrimental impact upon wildlife within the area. I do accept that lights may be on later into the evening however I do not consider that there is any evidence that this would result in significant harm to any local wildlife noting the scale of the building, its location close to a settlement area and the hours proposed.

##### *Drainage*

- 11.19 The proposal would not result in any alterations to the approved surface water drainage arrangements for the site. Whilst neighbouring residents have raised concerns that cars

parked on local fields may disturb soil resulting in drainage issues, this application does not put forward proposals for parking other than on the existing car park.

### *On-going issues at the site*

- 11.20 Residents have raised concerns that the applicants are already operating in breach of the existing hours agreed during application ref 2016/1151/FUL. Residents outline that if the applicants cannot operate within their existing hours where is the confidence that they will comply should permission be granted. The Council have spoken with the applicants in regards to this which has prompted the submission of this application and others at the site. The granting of permission with a temporary 1 year permission will allow the Council to fully assess whether the applicants adhere to the conditions placed upon them. If they do not, this may impact negatively on the consideration of subsequent applications.

## **12.0 RECOMMENDATION**

- 12.1 That temporary planning permission be GRANTED subject to the following conditions:

### **Conditions**

1. The hours hereby permitted (08:00 - 21:00, Sunday; 08:00 - 22:00 Monday to Thursday; 08:00 - 00:00 Friday and Saturday) shall be discontinued on or before the expiry of the period ending on 12.11.2021. Thereafter the premises shall only be open to customers between the hours of 0800 and 1800 Monday to Saturdays and 0900 and 1800 on Sundays and Public/Bank holidays.  
Reason: To enable the Local Planning Authority to re-assess the proposal on the expiry of the permission having regard to Policy GN3; of the West Lancashire Local Plan 2012-2027 Development Plan Document.
2. Deliveries / collections shall only be made between the hours of 08:00 - 18:00 Monday to Saturday and 09:00 - 18:00 Sundays and Public/Bank Holidays.  
Reason: To safeguard the amenity of adjacent properties and the area generally and so comply with the provisions of Policy GN3 in the adopted West Lancashire Local plan 2012-2027 Development Plan Document.
3. Noise from entertainment (including any music and/or amplified voices) shall not exceed 30dB LAeq 5mins at the boundary of any nearby residential property at any time.  
Reason: To safeguard the amenity of adjacent properties and the area generally and so comply with the provisions of Policy GN3 in the adopted West Lancashire Local plan 2012-2027 Development Plan Document.
4. The sound / audio system installed in the premises shall not be replaced or altered without a scheme being submitted for prior approval by the Local Planning Authority. Thereafter only sound/audio equipment approved in writing by the Local Planning Authority should be used within the premises.  
Reason: To safeguard the amenity of adjacent properties and the area generally and so comply with the provisions of Policy GN3 in the adopted West Lancashire Local plan 2012-2027 Development Plan Document.
5. No additional mechanical ventilation/extraction, odour filtration systems or refrigeration equipment shall be installed on or within the building until details of that equipment have been submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be implemented in its entirety and the equipment shall be properly maintained and operated for the duration of that use.

Reason: To safeguard the amenity of adjacent properties and the area generally and so comply with the provisions of Policy GN3 in the adopted West Lancashire Local plan 2012-2027 Development Plan Document.

6. Within two months of the date of this decision, details of the outdoor seating and smoking areas shall be submitted for approval in writing by the Local Planning Authority. Outdoor seating and smoking areas shall be laid out in accordance with the approved details. Customers will not be permitted to use the outside seating areas after 21:00 and before 08:00 hours Monday - Sunday, except for smoking in the designated areas.  
Reason: To safeguard the amenity of adjacent properties and the area generally and so comply with the provisions of Policy GN3 in the adopted West Lancashire Local plan 2012-2027 Development Plan Document.
7. Within two months of the date of this permission a scheme detailing the layout and surfacing of the parking and turning areas shall be submitted to and approved by the Local Planning Authority. Within two months of the date of that approval, the parking and turning areas shall be provided in accordance with the approved details and retained thereafter for the duration of the development.  
Reason: To allow for the effective use of parking areas and to ensure that the development complies with the provisions of Policies GN3 & IF2 in the adopted West Lancashire Local Plan 2012-2027 Development Plan Document.
8. The foul and surface water drainage from the site shall be in accordance with the details submitted on the 05.09.2017 and agreed under application reference 2017/0950/CON which was discharged on the 02.11.2017.  
Reason: to ensure that the site is properly drained in the interest of local amenity and that the development, therefore, complies with the provisions of Policies GN3 and IF3 in the adopted West Lancashire Local Plan 2012-2027 Development Plan Document.
9. The external materials for the building shall be in accordance with the details submitted as part of application reference 2017/0651/CON and discharged on the 24.08.2017. i.e. Roof and vertical cladding: Kingspan cladding panels - Basalt RAL 7012, Horizontal cladding: Havwoods H02150 Trekker Cladding Anthracite and Bricks: 65mm Forterra Wentworth Mixture as per document titled 'Discharge of conditions' received by the Local Planning Authority on 13.07.2017.  
Reason: To ensure that the external appearance of the building is satisfactory and to prevent unsightliness and visual intrusion and so ensure that the development complies with the provisions of Policies GN3 in the adopted West Lancashire Local Plan 2012-2027 Development Plan Document.
10. The landscaping scheme for the site shall be in accordance with drawing no 07A and document titled 'Discharge of conditions' received by the Local Planning Authority on 13.07.2017 and agreed under application reference 2017/0651/CON, discharged on the 24.08.2017.  
Reason: To ensure that the landscaping of the site is satisfactory and that the development, therefore, complies with the provisions of Policies GN3 and EN2 in the adopted West Lancashire Local Plan 2012-2027 Development Plan Document.
11. Mechanical ventilation and odour filtration systems shall be in accordance with the details agreed under 2020/0624/CON, discharged 28.09.2020. i.e.  
Systemair AE53.2-1,5KW,D, Control Unit brochure received by the Local Planning Authority on 16.09.2020  
Systemair AW 315E4 Sileo Axial fan brochure received by the Local Planning Authority on 16.09.2020

Email from agent with supporting information received by the Local Planning Authority on 16.09.2020.

Reason: To safeguard the amenity of adjacent properties and the area generally and so comply with the provisions of Policy GN3 in the adopted West Lancashire Local Plan 2012-2027 Development Plan Document.

12. External lighting shall be in accordance with the details submitted on the 25.10.2017 and agreed under application reference 2017/0950/CON, discharged on 02.11.2017. No additional external lighting shall be installed on site without the prior written consent of the Local Planning Authority.

Reason: To safeguard the amenity of adjacent properties and the area generally and so comply with the provisions of Policy GN3 in the adopted West Lancashire Local Plan 2012-2027 Development Plan Document.

13. The one way system and associated signage shall be in accordance with drawing no 08 submitted on the 05.09.2017 and agreed under application 2017/0950/CON, discharged on 02.11.2017.

Reason: To safeguard the safety and interests of the users of the highway and to ensure that the development complies with the provisions of Policy GN3 in the adopted West Lancashire Local Plan 2012-2027 Development Plan Document.

14. The bound material (tarmac) for the access shall be in accordance with drawing no 07A submitted on the 13.07.2017 agreed under application 2017/0651/CON, discharged on 24.08.2017.

Reason: To avoid the possibility of the public highway being affected by the deposit of mud and/or loose materials thus creating a potential hazard for road users and to ensure that the development 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:

Policy GN1 - Settlement Boundaries

Policy GN3 - Criteria for Sustainable Development

Policy IF2 - Enhancing Sustainable Transport Choices

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.