

Item 3a **15/00775/FUL**
Case Officer **Caron Taylor**
Ward **Eccleston And Mawdesley**
Proposal **Change of use from retail unit (Use Class A1) to micro pub (Use Class A4)**
Location **Grocers On The Green**
 267B The Green
 Eccleston
 Chorley
 PR7 5TF
Applicant **RH & RS Public House Limited**
Consultation expiry: **24th September 2015**
Decision due by: **22nd October 2015**

Delegated		Delegated following Chairs Brief		Committee	X
Date: 13 th October 2015					

	Case Officer	Authorising Officer
	CT	
Date	12 th October 2015	

Recommendation

That the application is approved.

Representations

<p>Eccleston Parish Council object on the grounds of road and public safety:</p> <ul style="list-style-type: none"> • Parking provision is inadequate - the submitted plan describes 2 parking spaces, access to both requiring vehicles to drive across a public pavement. • This represents an obvious danger to users of the pavement and, given the lack of provision of a dropped kerb, also presents a danger to other road users as vehicles utilising the spaces will be mounting the pavement at extremely low speeds to avoid damage, in a location on a bend in the main road, which is also directly adjacent to the junction with Bannister Lane and Woodhart Lane. • Furthermore, as there is no turning space, vehicles will be forced to reverse into the main road (The Green) in a location on a bend in the main road, directly adjacent to the junction, where visibility is poor due to the bend. 	
<p>In total 11 representations have been received which are summarised below</p>	
<p>Objection</p>	<p>Support</p>
<p>Total No. received: 5</p>	<p>Total No. received: 8</p>
<ul style="list-style-type: none"> • Lack of parking. The road and pavement have been blocked by cars as well as the driveways of neighbours. It cannot be guaranteed that people will not be driving or dropping off/picking up. People for example drive to the institute across the road; • Noise level to residents opposite 	<ul style="list-style-type: none"> • As an ever growing village need a variety of amenities • It will provide a new place for Eccleston residents to meet and socialise; • Regarding parking, surely any customer would be walking to the pub and there is enough parking for staff. • Should not be encouraging users to

<p>Eccleston institute- already lots of noise at weekends</p> <ul style="list-style-type: none"> No additional noise and nuisance is needed. People will drink and smoke outside and any seating will add to this; Noise from music Local pubs already in area struggle for business; Vandalism/litter to The Village Green especially at Christmas time when tree gets uprooted and trashed. This becomes a place to congregate when pubs close; Close to school busy at drop off pick up times; In future could apply for food licence and change use to cafe bar / food takeaway outlet; There is already the Eccleston Institute providing drink to the village; There is insufficient parking provision and there are double yellow lines along this section of The Green; Will there be toilet facilities? Patrons should not be allowed to stand or sit around in front of the pub which would result in inconvenience to local residents having to cross the road to avoid congestion, noise etc. and certain residents would feel intimidated; Two pubs in the area have recently closed; It is opposite a school; It will encourage anti-social behaviour as people will smoke outside and families with young children will be walking past. 	<p>drink and drive;</p> <ul style="list-style-type: none"> Opening hours seem reasonable so as not to cause disturbance The pub is small in size reducing the potential for crowds of people; There is already a licenced establishment in the proximity to the pub (the Institute) and the new micro pub will offer something a little different; Support a new enterprise; It would be an asset to the village; The applicant's existing establishment is a lovely community pub; The location will be an upmarket venue away from any thoughts of 'lager louts'; It will attract a more mature audience who will not attract or cause negative or anti-social behaviour The patrons will use public transport and there is a good service throughout the evening so that that a mature, responsible drinker could enjoy an evening out and be home before the public transport finished; It supports an artisan business in the area and provides a unique and creative outlet in Eccleston; The scale and size of the unit will always limit it to an artisan outlet; The opening hours are very reasonable; The venue has great support on social media; If residents fear noise then could a condition be imposed requiring music not to be played above certain decibels; Should encourage more drinking venues in the village to stop residents taking their money to neighbouring villages – this also reduces the drink driving likelihood as residents will walk. The close proximity of a bus stop on The Green encourages drinkers not to use their cars. Most people who will use it will be local so parking is not an issue.
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Consultees

Consultee	Summary of Comments received
Police Liaison Officer	Recommend an number of security measures to the applicant In order to prevent the opportunity for criminal activity such as laminated glass windows, a gate to the rear yard, consideration of CCTV, installing an intruder alarm, raising the floor of the bar area to maximise staff visibility and positioning alcohol and the tills away from customers' reach.
Environmental Health Officer	State they have considered the application and the adjacent residential premises with regard to noise control and environmental issues. As the flats are at first floor level and the proposed building is a single storey, I do not consider there to be a likelihood of nuisance being caused and

	therefore have no comments to make. Any management issues that may be considered to be a problem can be addressed within the premises licensing application process.
LCC Highways	The proposal requires thrice the 2no car parking spaces proposed by the applicant. The site is in an area where on-street waiting is extensively restricted and they are concerned that if adequate off-street parking is not provided, this may lead to existing restrictions being flouted and parking displaced onto residential streets. However, although the required parking provision has not been fully met, they do not wish to object to the proposal as the shortfall in the applicant's parking provision is only approximately 5no spaces and the proposed operative time is 12:00–00:00, which is partially outside normal working hours when the adjacent businesses would be closed and their frontage parking spaces become available. It is apparent that customers to the pub will utilise these parking spaces.

Assessment

Principle of the Development

1. The application property is a former green grocer's shop which is currently standing empty in a small row of six shops fronting The Green. The site is within the village settlement of Ecclestone.
2. Policy EP8 of the Local Plan 2012-2026 covers existing local Shops and states that development proposing the change of use or loss of premises currently or last uses as a local shop (use class A1) outside of the district or local centre boundaries will be permitted where it can be demonstrated that:
 - a) The use is not financially viable.
 - b) There is sufficient provision in the local area; and
 - c) The facility is in an isolated location remote from public transport routes.
3. The pre-amble to this policy states that the reason for the policy requirements is to protect local shops in local areas outside retail centres from other forms of development (such as being changed into a residential house). Local shops provide a valuable role in the community offering local services and invariable meeting local residents' daily (top up) needs.
4. Planning permission was approved in June 2011 under application ref: 11/00308/FUL to create the unit (by subdividing and extending the existing retail unit) with amendments made under ref: 11/00659/FUL. Permission was refused (ref: 11/00657/FUL) in September 2011 for a hot food takeaway but granted (ref: 11/01009/COU) for a café in January 2012. The café use was not implemented and the unit opened in August 2013 as a green grocer but has since closed and is currently vacant. As such the lawful use of this unit is A1 retail use.
5. Although the proposed use as a micro pub is not an A1 shop use (it is A4) it is considered that the proposed use will add to the vitality of the village of Ecclestone by providing a small drinking establishment in a village where larger public houses have closed. The green grocers had closed and the unit has been left vacant. The National Planning Policy Framework (the Framework) states that the Government is committed to ensuring that the planning system does everything it can to support sustainable economic growth. It goes on to say that planning should support the sustainable growth and expansion of all types of business and enterprise in rural areas and should promote the development of local services and community facilities in villages, including public houses.
6. Policy 13 of the Core Strategy covers the Rural Economy and aims to achieve economic and social improvement for rural area by sustaining and encouraging appropriate growth of rural businesses.
7. Although the proposal does not strictly accord with Policy EP8 of the Local Plan it is considered taking the development plan as a whole, along with the Framework, the proposal

is in accordance with the thrust of planning policies that aim to support new and local businesses in rural area and maintain the vitality and services in rural villages. The application is therefore considered acceptable in principle.

Design and appearance

8. The proposal does not involve external changes or external alterations to the building.

Neighbour amenity

9. There are residential properties to the north and south of the unit beyond the row of shops and to the rear on Bannister Lane. However, the unit is sandwiched between other units in commercial use as to the left (south) is a kitchen and bathroom shop that was previously a hairdressers and to the right (north) is another vacant unit beyond which is a pet and aquatic supplies shop, charity shop, hairdressers and dental surgery.
10. It is considered that the location of the proposed micro pub immediately adjacent to non-residential uses is an acceptable location for such a use. The application form requests proposed opening hours from 12 noon until midnight on every day of the week. It is considered that a midnight close time is reasonable on a Friday and Saturday night, but on Sunday evenings and on a weeknights it is considered that closing at 11pm is more appropriate to the area to avoid the risk of noise in the village as people leave the premises, however it is considered that it would be reasonable to allow the later midnight opening on the three Sundays prior to the two bank holiday in May and one in August, and allow the venue to open late on Christmas Eve and New Year's Eve until 1am the following morning.
11. In terms of outside drinking it is considered this would not be appropriate as it could lead to unacceptable noise to nearby properties late in the evening, especially in the summer months and would also reduce the parking available to the premises. A condition is therefore proposed preventing table and chairs being put outside or an outside drinking area formed.

Parking and Highways

12. The comments of LCC Highways are noted, however the application does not involve any changes to the parking or access to the unit. There is a small forecourt associated with the unit immediately in front of it beyond which is the public pavement. There are double yellow lines on the road outside the row of the shops.
13. The comments of neighbours regarding parking are also noted, however the previous grocers had the same parking arrangements. The Council must consider the application in terms of what the current lawful use of the unit is, as a shop (A1 use). It is not considered that the proposed micro pub use will generate more traffic and parking than a shop would in this location, given its limited size. It is possible that it actually reduces parking demand compared to the current lawful use of the unit as people are more likely to walk to a small local public house so they can have an alcoholic drink. The parking must also be weighed against the policies supporting local businesses.
14. It is not considered therefore that highway and parking issues could be a reason for refusal of the application.

Other Issues

15. Planning permission would be required to change the use of the unit from a micro pub to a takeaway as such a use does not fall within the same use class as a public house. A hot food takeaway use has been refused at the unit in the past on the grounds that it would have resulted in an unacceptable hazard to highway safety and would have an unacceptable impact on neighbour amenity in terms of noise and disturbance caused by parking, and comings and goings to the proposed takeaway. In addition it was considered that it had not been demonstrated that the proposal would not have an unacceptable impact on nearby properties in terms of noise or smells from the extraction equipment.
16. The parking for an A5 hot food takeaway use is considered different to what is proposed now as many people drive to a takeaway to get home quickly to ensure their food stays hot. It was also considered that the nature of the use would encourage vehicles to park outside the unit

on double yellow lines to collect food on the premise that they 'will only be a few minutes'. The nature of the parking at a micro pub is therefore different to a hot food takeaway.

17. Toilets will be provided within the unit.

Overall Conclusion

18. The application is recommended for approval. It is acknowledged that the use of this unit as a micropub will have different impacts than the lawful retail use however the benefits of the proposal, in supporting a business and providing a facility to the village, are considered to be material considerations in support of the proposal. It is not considered the parking requirements associated with the use will be significantly different to the lawful use of the unit as a shop (A1 use) and as such on balance it is considered that the proposals are acceptable and the application is recommended for approval.

Planning Policies

In accordance with s.38 (6) Planning and Compulsory Purchase Act (2004), the application is to be determined in accordance with the development plan (the Central Lancashire Core Strategy, the Adopted Chorley Local Plan 2012-2026 and adopted Supplementary Planning Guidance), unless material considerations indicate otherwise. Consideration of the proposal has had regard to guidance contained within the National Planning Policy Framework (the Framework) and the development plan. The specific policies/ guidance considerations are contained within the body of the report.

Planning History

Reference	Description	Decision	Date
11/00308/FUL	Subdivision of existing Oceans Apart retail unit to form two units (with new entrance to new unit), link extension to form a further retail unit (between Oceans Apart and hairdressers), and conversion of existing storage space to rear and above existing hairdressers to form 2 no. one bedroom apartments.	Permitted	3 rd June 2011
11/00659/FUL	Amendment to previously approved application 11/00308/FUL (this application was for subdivision of existing Oceans Apart retail unit to form two units (with new entrance to new unit), link extension to form a further retail unit (between Oceans Apart and hairdressers), and conversion of existing storage space to rear and above existing hairdressers to form 2 no. one bedroom apartments). Amendments are retaining outbuilding to rear against boundary with no. 2 Bannister Lane and changes to the layout of the parking spaces and service yard.	Permitted	4 th November 2011
11/00657/FUL	New link extension between hairdressers and vacant retail unit and change of use of part of existing vacant retail unit (formerly Oceans Apart) to form hot food takeaway (A5 use) and associated extraction flue.	Refused	23 rd September 2011

11/01009/COU	Change of use of vacant shop (use class A1) to a cafe (use class A3)	Permitted	5 th January 2012
13/00149/FUL	Application to vary condition 5 of planning permission ref: 11/01009/COU (which granted permission for a cafe/restaurant) to allow opening 5pm to 9.30pm Sunday to Thursday and 5pm to 10.30pm Friday and Saturday.	Permitted	5 th April 2013

Suggested Conditions

1. The proposed development must be begun not later than three years from the date of this permission.

Reason: Required to be imposed by Section 51 of the Planning and Compulsory Purchase Act 2004.

2. No area for outside drinking or seating shall be created at the premises and no chairs and/or tables shall be placed outside.

Reason: To minimise the risk of disturbance to properties in the area and to maintain parking areas at the premises.

3. The use hereby permitted shall be restricted to the hours:

- Between 12pm (noon) and 11pm Sunday to Thursday inclusive
- Between 12pm (noon) and 12am (midnight) on Friday and Saturday
- Between 12pm (noon) and 12am (midnight) on the three Sundays of the year prior to the two bank holidays in May and the one bank holiday in August
- Between 12pm (noon) and 1am the following morning on Christmas Eve and New Year's Eve.

Reason: To safeguard the amenities of local residents.