

Item 3e **16/00350/FUL**

Case Officer **Ian Heywood**

Ward **Adlington & Anderton**

Proposal **Retention of revised elevations, including rear extract flue, glazed front canopy, external planters & barriers. Erection of 1800/1500 high vertical closed boarded neighbour screens to side boundaries.**

Location **Retreat Restaurants
19 Church Street
Adlington
Chorley
PR7 4EX**

Applicant **Mr J Guest**

Consultation expiry: **14/06/2016**

Decision due by: **28/06/2016**

Recommendation

It is recommended that this application is approved.

Representations

Adlington Town Council: Has registered an objection to this application and the concurrent applications for advertisement consent and listed building consent. Their chief ground for objection to this application is that the details of the application do not reflect the built development on the ground and that there are inconsistencies between the plans. Amended drawings were subsequently submitted to address these points. The town Council also raises concerns about noise emanating from the outside seating area and causing harm to the amenity of the nearby neighbouring residential property.

One representation has been received objecting to the development on the same grounds as indicated by Adlington Town Council

Consultees

Consultee	Summary of Comments received
Consultations were not requested for this application.	N/A

Assessment

The Site

1. The site consists of a grade II listed church building that was originally converted to an Indian restaurant, after deconsecration, in in early 1980s. The conversion and use of the site included an amount of signage, some of which being still in-situ when the current owner acquired the site last year.
2. The building is set back from the highway and includes an external terrace and seating area, parking, a grass verge and a pavement that altogether gives a separation distance of approximately 30 metres. The existing signage included a column mounted typical pub style illuminated sign set within the grass verge and non-illuminated signs close to the building.

3. The site is within the settlement of Adlington and is an established restaurant business, albeit that the particular business ceased trading a couple of years ago. As a result the site had become neglected and the building was in desperate need of repairs and refurbishment.
4. The building is constructed of local sandstone with a slate roof.
5. Permission was granted recently for repairs and refurbishment works including a new extension to the building. These works have been completed but additional works have also been undertaken for which concurrent applications to this one have been submitted.

The Proposal

6. This application seeks planning permission for retention of the revised elevations, including rear extract flue, glazed front canopy, external planters and barriers. These are additional works over and above those for which consent was previously granted. The external terrace and seating area did exist previously, however latterly under the previous owner this was little used. Nevertheless it is pre-existing and is shown on the approved plan from when consent for conversion from a church to a restaurant was granted in 1981. Likewise the car park was also pre-existing and has simply been resurfaced and marked out.

Assessment

The main issues are as follows:-

- Issue 1 – The impact of the works on the appearance of the listed building
 Issue 2 – The impact upon neighbour amenity
 Issue 3 – Highways safety and parking.

The impact of the works on the appearance of the listed building/the significance of a designated heritage asset.

7. Paragraphs 66 and 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 are relevant to the ‘*Special considerations affecting planning functions*’.

Section 66 states:

In considering whether to grant planning permission for development which affects a listed building or its setting, the local planning authority or, as the case may be, the Secretary of State shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.

Without prejudice to section 72, in the exercise of the powers of appropriation, disposal and development (including redevelopment) conferred by the provision of sections 232, 233 and 235(1) of the principal act, a local authority shall have regard to the desirability of preserving features of special architectural or historic interest, and in particular, listed buildings.

Section 72 states:

In the exercise, with respect to any buildings or other land in a conservation area, of any powers under any of the provisions mentioned in subsection (2), special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area.

The provisions referred to in subsection (1) are the planning acts and Part 1 of the Historic Buildings and Ancient Monuments Act 1953

8. Paragraphs 129, 131, 132, 133, 134, 136 and 137 of the Framework (National Planning Policy Framework) are pertinent as are policy 16 of the Adopted Central Lancashire Core Strategy (2012) and policy BNE8 of the Adopted Chorley Local Plan 2012 – 2026.
9. Paragraph 129 states that, ‘*Local planning authorities should identify and assess the particular significance of any heritage asset that may be affected by a proposal (including by development affecting the setting of a heritage asset) taking account of the available evidence and any necessary expertise. They should take this into account when considering the impact of a proposal on a heritage asset, to avoid or minimise conflict between the heritage asset’s conservation and any aspect of the proposal.*’

10. Paragraph 131 states that, *'in determining planning applications, local planning authorities should take account of:
The desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation;
The positive contribution that conservation of heritage assets can make to sustainable communities including their economic vitality; and
The desirability of new development making a positive contribution to local character and distinctiveness.'*
11. Paragraph 132 states, *'When considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation. The more important the asset, the greater the weight should be. Significance can be harmed or lost through alteration or destruction of the heritage asset or development within its setting. As heritage assets are irreplaceable, any harm or loss should require clear and convincing justification. Substantial harm to or loss of a grade II listed building, park or garden should be exceptional. Substantial harm to or loss of designated heritage assets of the highest significance, notably scheduled monuments, protected wreck sites, battlefields, grade I and II* listed buildings, grade I and II* registered parks and gardens, and World Heritage Sites, should be wholly exceptional.'*
12. Paragraph 133 states, *'Where a proposed development will lead to substantial harm to or loss of significance of a designated heritage asset, local planning authorities should refuse consent, unless it can be demonstrated that the substantial harm or loss is necessary to achieve substantial public benefits that outweigh that harm or loss, or all of the following apply:
The nature of the heritage asset prevents all reasonable uses of the site; and
No viable use of the heritage asset itself can be found in the medium term through appropriate marketing that will enable its conservation; and
Conservation by grant-funding or some form of charitable or public ownership is demonstrably not possible; and
The harm or loss is outweighed by the benefit of bringing the site back into use.'*
13. Paragraph 134 states, *'Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal, including securing its optimum viable use.'*
14. Paragraph 136 continues by stating that, *'Local planning authorities should not permit loss of the whole or part of a heritage asset without taking all reasonable steps to ensure the new development will proceed after the loss has occurred.'*
15. Paragraph 137 states that, *'Local planning authorities should look for opportunities for new development within Conservation Areas or World Heritage Sites and within the setting of heritage assets to enhance or better reveal their significance. Proposals that preserve those elements of the setting that make a positive contribution to or better reveal the significance of the heritage asset should be treated favourably.'*
16. The Adopted Central Lancashire Core Strategy (2012), policy 16 refers to Heritage Assets. This policy mirrors that given in the Framework and states that it seeks to, *'Protect and seek opportunities to enhance the historic environment, heritage assets and their setting by:
Safeguarding heritage assets from inappropriate development that would cause harm to their significances.'*
17. The Adopted Chorley Local Plan (2015), Policy BNE8 refers to the Protection and Enhancement of Heritage Assets. Essentially this policy mirrors the Framework. Paragraph b, states that, *'Applications will be granted where they sustain, conserve and, where appropriate, enhance the significance, appearance, character and setting of the heritage asset itself and the surrounding historic environment and where they show consideration for the following: iii, The Conservation and, where appropriate, the enhancement of the setting of heritage assets.'*

18. In this case the applicant and agent undertook pre-application discussions with the case officer, resulting in a scheme that is considered to preserve the appearance of the listed building and to sustain the significance of this designated heritage asset.
19. Whilst in the ownership of the previous owner the building and the site generally had been neglected and had taken on an air of dereliction and decay. The business had failed and the owner had taken to camping out in the tower. Internally the building was in a shocking condition and had a 'Mary Celeste' appearance whereby the remnants of the last served meal, glasses, crockery and cutlery were just as they had been left by the last customers and staff. The exterior had also developed faults with leaking gutters and rainwater pipes, rotten windows and a motley collection of storage containers at the back of the site that were used as food and drink storage units and for the storage of surplus equipment.
20. The works both previously approved and subsequently undertaken are considered to enhance the appearance of the listed building and the area generally. Consequently it is considered that the application is in conformity with S.66 of the Planning (Listed Buildings and Conservation Areas) Act 1990, the above listed paragraphs of the Framework and the stated local planning policies.

The impact upon neighbour amenity

21. Pertinent policies are: Adopted Chorley Local Plan 2012 2026, policy BNE1 (b).
22. The site is an existing restaurant business and this included an outdoor seating area. The use of the seating area is therefore already established on the site, albeit that it was little used by the previous business. The applicant has added neighbour screening to the southern site boundary which is the closest to any residential properties. He has also included discrete signage within the area advising customers to be aware of the residential neighbours and asking them to be considerate of this and also at the exit point to the site for patrons when leaving the restaurant.
23. A condition is therefore recommended given the recent intensification of the use of this area whereby the external seating area cannot be occupied after 10pm on Sunday to Thursday evening and 11pm on Fridays and Saturdays and to restrict the time at which music can be played to no later than 9pm Sundays to Thursdays and 10pm on Fridays and Saturdays. There is however a current environmental health (noise) enquiry ongoing at the moment, following a complaint by a neighbour, to ascertain the level of additional noise created by the outdoor seating area. The results of a monitoring period should be available prior to the committee meeting and this may influence the suggested times above. The addendum will be updated accordingly at that time.

Highways safety and parking

24. Pertinent policies are: Adopted Chorley Local Plan 2012 – 2026, policies BNE1(c), ST4 and Appendix A.
25. The site is an established restaurant with an existing car park. The principal change brought about as a result of this application is that the car park has been resurfaced and clearly marked out and now includes defined parking spaces for disabled people. Visually and operationally this is a significant improvement on the previous situation.
26. The parking provision accords with the Council's parking standards as set out in the Adopted Chorley Local Plan 2012 – 2026, policy ST4 and appendix A and furthermore accords with policy BNE1(c).

Overall Conclusion

27. The application is considered to be in conformity with the aforementioned legislation, policies and stated paragraphs from the Framework, and the application is accordingly 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

81/00750/FUL	Change of use to restaurant	PERFPP	01.12.1981
85/00149/ADV	Canopy	PERFPP	02.04.1985
85/00150/ADV	Two illuminated signs	PERFPP	02.04.1985
85/00221/FUL	Retention of canopy	PERFPP	02.04.1985
15/00578/FUL	Single storey side extension	PERFPP	04.08.2016
15/00628/LBC	Single storey side extension	PERLBC	04.08.2015
16/00332/ADV	Signage(retrospective)	Pending consideration	
16/00351/LBC	revised elevations, signage	Pending consideration	

Suggested Conditions

1. The development hereby permitted shall be carried out in accordance with the following approved plans:

Ref:	Location Plan	8 April 2016
Ref: 6519/4 Rev B	Proposed Plans & Elevations – main building, store and neighbour screens	9 May 2016
Ref: 6519/5 Rev B	Proposed First Floor Plan	10 May 2016
Ref: 6519/6 Rev A	Proposed Elevations	10 May 2016
Ref: 6519/7 Rev B	Proposed Ground Floor Plan	10 May 2016
Ref: 6519/8 Rev B	Proposed Plan	10 May 2016
Ref: 6519/9 Rev C	Proposed Plans & Elevations	16 May 2016
Ref:	Proposed Canopy	8 April 2016
Ref:	Proposed Canopy	8 April 2016

Reason: For the avoidance of doubt and in the interests of proper planning.