

APPLICATION REPORT – 18/00797/FUL

Validation Date: 22 August 2018

Ward: Adlington And Anderton

Type of Application: Full Planning

Proposal: Change of use from shop (use class A1) to micro pub (use class A4)

Location: JR's Ale House 20 Church Street Adlington Chorley PR7 4EX

Case Officer: Chris Smith

Applicant: Mr Michael Ross

Agent: Mr Harry Jackson

Consultation expiry: 13 September 2018

Decision due by: 14 December 2018

RECOMMENDATION

1. It is recommended that this application is refused for the following reasons:
 - i) The proposed development, as a result of internal noise generation, would have an unacceptable adverse impact on the amenity of the neighbouring occupiers of nos. 18A, 18B and 18C Church Street contrary to policies EP9 and BNE1 of the Chorley Local Plan 2012 - 2026.
 - ii) The proposed development would result in people congregating outside of an enclosed building that would result in noise and disturbance, which would be harmful to the amenity of neighbouring occupiers contrary to policies EP9 and BNE1 of the Chorley Local Plan 2012 - 2026.

SITE DESCRIPTION

2. The application site comprises a vacant end of terrace building located at the northern end of a row of traditionally designed properties which lie along the western side of Church Street in the settlement area of Adlington.
3. A range of land uses is evident in the immediate locality. These include detached residential properties to the north and 3no. 1 bedroom flats which adjoin with the site at no. 18 Church Street. Approximately 60m to the north east there is a restaurant and beyond this is the 'Spinners Arms' public house.
4. Directly to the north of the site there is an unadopted access road which provides access to off-road parking areas located to the rear of the application site. Planning permission was granted under planning reference 92/00089/COU to change the use of the building to a residential property; however, the application form indicates that the last use of the building was as a shop (Use Class A1).

DESCRIPTION OF PROPOSED DEVELOPMENT

5. The application seeks planning permission for the change of use of the building from a shop (Use Class A1) to a drinking establishment (Use Class A4)
6. The proposed development would involve the full internal refurbishment of the existing building. There would be a bar and drinking area at ground floor level and a customer seating area at first floor. An ancillary café and microbrewery would be accommodated in the basement. Access to the building would not be altered by the proposed development. The applicant has confirmed that the opening hours would be Monday to Sunday 10am to 10pm. An external smoking shelter is also proposed to be located along the northern side elevation of the building.

REPRESENTATIONS

7. 2no. representations have been received citing the following grounds of objection:
 - Noise pollution
 - There are 2 pubs and a bar within 250 yards of the application site
 - Disorder and noise pollution in the area is already a problem
 - Parking and highway safety
 - No facilities for waste
 - No fire exits
 - Devaluation of neighbouring properties

CONSULTATIONS

8. Adlington Town Council – Have objected to the proposed development on the grounds that it would lead to an increase in roadside parking and would cause noise disturbance for occupiers of the adjoining residential properties.
9. Chorley Council's Environmental Health Officer – Has commented that they accept the findings of the noise management plan which indicates that noise from the premises is unlikely to have an adverse impact on attached and nearby residential properties.
10. Lancashire Constabulary Architectural Liaison – Have recommended the imposition of planning conditions to improve security.
11. Chorley Council's Waste & Contaminated Land Officer – Has confirmed that in this instance he has no comments to make.

PLANNING CONSIDERATIONS

Principle of the development

12. Paragraph 92 of The National Planning Policy Framework (The Framework) states that to provide the social, recreational and cultural facilities and services the community needs, planning policies and decisions should:
 - a) Plan positively for the provision and use of shared spaces, community facilities (such as local shops, meeting places, sports venues, open space, cultural buildings, public houses and places of worship) and other local services to enhance the sustainability of communities and residential environments;
13. Policy V2 of the Chorley Local Plan 2012 – 2026 states that within the settlement areas excluded from the green Belt, and identified on the Policies Map, there is a presumption in favour of appropriate sustainable development, subject to material planning considerations.
14. The application site is located in the settlement area of Adlington which is excluded from the Green Belt and identified on the Policies Map. There are no policy designations which apply

to the site and thus the principle of the development proposal is considered to be acceptable, subject to other material planning considerations.

Impact on the amenity of neighbouring occupiers

15. Policy BNE1 of the Chorley Local Plan 2012-2026 states that planning permission will be granted for new development, including extensions, conversions and free standing structures, provided that, the development would not cause harm to any neighbouring property by virtue of overlooking, overshadowing or by creating overbearing impacts.
16. Policy EP9 of the Chorley Local Plan 2012-2026 states that outside the town, district and local centres, changes of use and development for small scale local shopping and town centre uses (either as part of mixed use developments or in isolation) will be permitted where the proposal does not harm the amenity of an adjacent area.
17. The application premises comprise an end terraced property which is adjoined by residential flats to the south at nos. 18A, 18B and 18C Church Street. The proposed development involves the provision of a drinking establishment, with ancillary café and micro-brewery, over three floors of the building. The business would operate into the evening and it is, therefore, considered that there would be potential for the generation of noise disturbance which would go above and beyond that typically associated with a retail unit. This would include conversation, laughter and other noise usually associated with a drinking establishment of this type.
18. It is noted that the proposed hours of opening would be to 10pm and that the applicant has stated that this is earlier than most drinking establishments as the intention is to cater towards a 'coffee and chat clientele'. However, the general behaviour of the clientele who would frequent the premises cannot be controlled through the planning process, and whilst the applicant might argue that customers would generate lower levels of noise than would usually be the case for a drinking establishment this cannot be guaranteed.
19. Whilst the immediate locality does contain a mix of uses including a restaurant and public house, which are located approximately 60m and 80m to the north east of the site respectively, it is noted that these businesses are located within detached buildings which do not directly adjoin with neighbouring residential properties. The application site has previously accommodated a retail business; however, it is considered that the use of the application building as a drinking establishment with evening opening hours would be a more intensive use with greater potential for noise generation and disturbance, which would be exacerbated by general comings and goings at late evening hours and the potential for customers to congregate outside the premises.
20. A noise assessment and noise management plan have been submitted by the applicant. These detail a range of measures which could be implemented in order to mitigate the potential for noise 'break-out' from the internal areas of the premises. They propose a range of measures including that windows and glazing should be closed to ensure that noise from the proposed development does not cause a detrimental impact at nearby sensitive receptors. It is also proposed that the front door is replaced; secondary glazing installed and that high density plasterboard lining is added to the internal party walls.
21. Whilst it is noted that no objection has been raised by the council's Environmental Health Officer, and it is considered that the impact of the internal noise sources could be partly mitigated, it is still considered that there would be significant potential for unacceptable adverse impact on the amenity of the adjoining occupiers of the flats located at no. 18 Church Street and also the neighbouring occupiers of the residential properties located to the north west of the site and in particular the occupier of the detached property at no. 26 Church Street which would be approximately 11m away from the proposed outside smoking shelter.
22. Given that the proposed drinking establishment would be over three floors of the application building, with a bar area at ground floor and customer seating at first floor, it is not considered that the proposed noise control measures would be sufficient to entirely mitigate

the noise impacts of the development proposed. As such, there would still be significant potential for there to be an unacceptable adverse impact on the amenity of neighbouring occupiers from internal noise and also through external noise sources which go above and beyond the scope of the proposed noise mitigation measures, and for these reasons it is recommended that the application be refused.

Highway safety

23. Policy ST4 of the Chorley Local Plan 2012-2026 requires that proposals for development will need to make parking provision in accordance with the standards set out in Appendix A of the Local Plan. Appendix A identifies the Council's minimum parking standards for drinking establishments within Chorley Town Centre as being 1 space per 6sqm of public floor space. Policy ST4 does provide some flexibility in the parking standards and locations that are considered to be more sustainable and well served by public transport may be considered appropriate for lower levels of provision.

24. The site does not contain any parking provision and the application does not propose any. However, the site is located on the edge of the Adlington local district centre with good levels of public transport accessibility. The location is well served by public transport, cycle and walking facilities.

25. It is also noted that the application building was previously used as a retail unit that would already generate traffic in its own right. In this sense, any impact on highway safety in the local area would be similar to the previous situation and would not be unacceptable.

CONCLUSION

26. The proposed drinking establishment would have an unacceptable adverse impact on the amenity of the neighbouring occupiers of nos. 18A, 18B and 18C Church Street as a result of internal noise and it is also considered that external noise sources which go beyond the scope of the proposed noise mitigation measures, would have a harmful impact on the amenity of other neighbouring occupiers contrary to policies EP9 and BNE1 of the Chorley Local Plan 2012-2026.

RELEVANT 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.

RELEVANT HISTORY OF THE SITE

Ref: 92/00089/COU **Decision:** PERFPP **Decision Date:** 10 March 1992

Description: Change of use of shop to house

Ref: 90/00904/FUL **Decision:** PERFPP **Decision Date:** 21 December 1990

Description: Shop front

Ref: 90/00753/FUL **Decision:** PERFPP **Decision Date:** 6 December 1990

Description: Change of use from dental laboratory to shop

Ref: 86/00150/FUL **Decision:** PERFPP **Decision Date:** 8 April 1986

Description: Change of use to dental laboratory