

APPLICATION REPORT – 18/01219/FUL

Validation Date: 21 December 2018

Ward: Adlington And Anderton

Type of Application: Full Planning

Proposal: Change of use from shop (use class A1) to a mixed use comprising coffee shop and micro pub (A3 and A4 use classes) (resubmission of application ref: 18/00797/FUL).

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: 29 January 2019

Decision due by: 8 March 2019

RECOMMENDATION

1. It is recommended that this application is approved subject to conditions.

SITE DESCRIPTION

2. The application site comprises an 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 Class A1 use as a shop to a mixed use comprising coffee shop and drinking establishment.
6. The proposed development would involve the full internal refurbishment of the existing building over three floors. There would be a bar and drinking area at ground floor level and a customer seating area at first floor. An café and microbrewery would be accommodated in the basement. Access to the building would not be altered by the proposed development.

7. The application is a resubmission of planning application 18/00797/FUL which Members will recall was refused at the committee meeting in December 2018 for the following reasons:
 - harm to neighbouring amenity as a result of internal noise generation; and
 - harm to neighbouring amenity arising from the noise and disturbance generated by people congregating outside the building.
8. This application now proposes a mixed use and reduced opening hours. Opening hours proposed for the original scheme would have been Monday to Sunday 10am to 10pm. The applicant now proposes to open the business Monday to Sunday 10am to 7pm.
9. In addition, this proposal has deleted the outdoor smoking shelter which was proposed as part of the previous scheme.

REPRESENTATIONS

10. One representation has been received citing the following grounds of objection:
 - Lack of parking; and
 - Devaluation of neighbouring properties
11. Thirteen representations have been received in support of the proposed development making the following comments:
 - A coffee shop and micro-brewery would be an asset to Adlington
 - There are limited options for the conversion of the premises as food and retail would be unlikely in this location
 - Customers are more likely to arrive on foot than by car
 - Bringing business to the village is vital
 - Since the 1960s Lower Adlington has located three traditional pubs and a club
 - The business would be an exciting venture which would benefit the local community
 - Job creation
 - There is ample public transport in the immediate locality

CONSULTATIONS

12. **Adlington Town Council** – Have confirmed that they object to the proposed development for the following reasons:
 - The site is in a very busy area of the village and an increase in the need for roadside parking for visitors to the business would cause additional problems for residents and traffic flow.
 - The building adjoins with residential property and is, therefore, likely to cause noise disturbance to existing residents.
 - The location for the development is essentially residential with very little physical space between the application property and neighbouring properties.
 - There is no point to cross the A6 to accommodate an increase in pedestrian foot fall, there is no provision for a smoking area and there is no access to the rear of the property meaning that deliveries and waste collection will all need to be done at the front.
13. **Chorley Council's Environmental Health Officer** – Has no objections.
14. **Lancashire Constabulary Architectural Liaison** – Has no objections and has recommended the implementation a range of measures to improve security.

PLANNING CONSIDERATIONS

Principle of the development

15. 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;
16. 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.
17. 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

18. 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.
19. 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.
20. 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 mixed use café and drinking establishment, with ancillary 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. This would include conversation, laughter and other noise usually associated with a drinking establishment of this type.
21. It is noted that the proposed hours of opening would be to 7pm 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'. A noise assessment submitted in conjunction with the application, asserts that due to the proximity of the site to the relatively busy public highway - the A6 Church Street, ambient noise levels are already high due to noise from traffic and this would be an effective masker of other noise sources. Other arguments advanced in support of the scheme include the ability of the application building to provide ventilation by mechanical means enabling windows and secondary glazing to be closed during the most noise sensitive periods such as evenings and weekends. In addition to this, the noise assessment states that internally the application building would only generate low level background music meaning that customers' voices would not need to be raised to speak over the music.
22. However, the general behaviour of the clientele who would frequent the application building 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. Despite this, the noise assessment details a range of measures which could be implemented in order to mitigate the potential for noise 'break-out' from the internal areas of the application building. It proposes the installation of an independent plasterboard lining at ground and first floor levels along the

side party wall of the application building with the adjoining residential property no. 18 Church Street. This would have a minimum 85mm cavity depth filled with 50mm mineral wool insulation and would consist of two 12.5mm layers of high-density plasterboard.

23. Other mitigation measures proposed include the making good of the recesses within the rear elevation of the application building through the installation of high-density plasterboard lining, the installation of secondary glazing at first floor level and the replacement of the front door with one that has a greater acoustic rating. A noise management plan has also been prepared. This proposes a range of measures to limit noise impact including that windows and glazing should be closed during the most noise sensitive periods to ensure that noise from the proposed development does not cause a detrimental impact at nearby sensitive receptors.
24. The previous application was refused on the basis of harm to neighbouring amenity arising from noise and disturbance generated by people congregating outside the building. The impact of this would have been exacerbated by a smoking shelter which would have been built along the northern side elevation of the application building. It is considered that this reason for refusal has been overcome given that the smoking shelter is no longer proposed and the hours of proposed use are now more limited. In addition to this, the noise management plan states that a dispersal policy shall be implemented to encourage the rapid dispersal of groups who might congregate outside the application building and it is noted that the previous use as a Class A1 retail flower shop would have generated frequent comings and goings.
25. The council's Environmental Health Officer does not raise any objections to the proposed development and has stated that should the application be approved all the mitigation measures detailed in the noise assessment shall be implemented prior to the opening of the business. They also state that the applicant should adopt and commit to the recommendations contained within the noise management plan. Furthermore, they advise that given that the proposed opening hours have been reduced to 7pm, it is not anticipated that noise from the premises would cause unreasonable disturbance to the occupiers of nearby residential properties.
26. Taking the above considerations into account, it is considered that the proposed noise control measures would be sufficient to mitigate the noise impacts of the proposed development and it is not considered that the proposed development would have an unacceptable adverse impact on neighbouring amenity. A suitable condition is recommended requiring that the measures detailed in the noise assessment and noise management plans should be implemented in full.

Highway safety

27. 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.
28. 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.
29. 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.

Crime and security

30. Paragraph 91 of the Framework states that planning decisions should aim to achieve healthy, inclusive and safe places so that crime and disorder and the fear of crime do not undermine quality of life or community cohesion.

31. The Lancashire Constabulary Designing Out Crime Officer has suggested the incorporation of security measures to thwart the presence of crime which has been recorded within the area. Although the recommendations are noted, it is considered that the recommendations cannot be reasonably secured by the implementation of a planning condition. The agent has, however, been advised of the observations made.

Other matters

32. The applicant has stated on the application form that existing domestic wheelie bins would be used for waste storage and collection. However, the council does not collect domestic bins from commercial premises and the applicant would, therefore, need to make arrangements for a commercial waste collection. There is space at the rear of the application building to accommodate waste disposal facilities including bins.

CONCLUSION

33. The proposed development would not have an unacceptable adverse impact on the character and appearance of the existing site or the surrounding area, nor would it cause any significant harm to the amenity of neighbouring residents or highway safety. It is, therefore, considered that the development accords with the National Planning Policy Framework and policies EP9 and BNE1 of the Chorley Local Plan 2012 – 2026. Consequently, it is recommended that the application is approved.

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: 18/00797/FUL **Decision:** REFFPP **Decision Date:** 12 December 2018
Description: Change of use from shop (use class A1) to micro pub (use class A4)

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

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

Title	Plan Ref	Received On
Location Plan and Site Plan	N/A	24 December 2018
First Floor, Ground Floor and Basement	N/A	24 December 2018

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

3. The Class A3 coffee shop and Class A4 drinking establishment use hereby permitted shall only open during the following hours:

Monday to Sunday inclusive - 10am to 7pm.

4. Deliveries to the property, disposal of waste on site and collection trade waste shall only take place between the times of 10am and 7pm on any day of the week.

Reason: In order to ensure that nearby residential properties are protected from noise and disturbance at unreasonable times of day

5. All works shall be carried out in accordance with the noise mitigation measures contained in sections 8.2 and 8.3 of the Noise Assessment Plan and with the measures detailed in the Noise Management Plan prepared by Miller Goodall (reference 101970).

Reason: To safeguard the amenities of local residents.