

Agenda Item A9	Committee Date 11 December 2017	Application Number 17/01232/CU
Application Site 6 Coastal Road Hest Bank Lancaster Lancashire LA2 6HN		Proposal Change of use of ground floor from cafe/restaurant (A3) into drinking establishment (A4)
Name of Applicant Mr John Hughes		Name of Agent N/A
Decision Target Date 29 November 2017		Reason For Delay Committee cycle
Case Officer		Mr Robert Clarke
Departure		No
Summary of Recommendation		Approval

(i) Procedural Matters

This form of development would normally be dealt with under the Scheme of Delegation. However, at the request of Councillor Hartley the application is reported to the Planning and Highways Regulatory Committee due to concerns regarding the development's proximity to the West Coast Mainline, overlooking and loss of privacy, noise and parking.

1.0 The Site and its Surroundings

- 1.1 The property which forms the subject of this application is a two-storey end of terrace property located on Coastal Road in Hest Bank. The property features a stone and rendered elevation underneath a slate roof with a small pitched roof dormer to the front elevation. There is a lean to extension located to the side elevation of the property, whilst there is a raised terrace and garden located to the rear. The ground floor of the property has historically been used as a licenced café and restaurant, though this use ceased in 2012, apart from two further failed attempts the last being in 2016. The upper floors of the property are used as residential accommodation.
- 1.2 The development site is located in an end of terrace location, it is set back from Coastal Road and is separated from this main road by a parcel green space. The property is located adjacent to the West Coast Mainline level crossing on The Shore to the south, the railway continues to the rear of the property.
- 1.3 The site is allocated as a countryside area in the Lancaster District Local Plan proposals map, whilst the land to the rear of the site forms part of the North Lancashire Green Belt.

2.0 The Proposal

- 2.1 This application seeks consent for the change of use of the ground floor of the property from the existing A3 café/restaurant use into an A4 drinking establishment use with the intended use being a micro-pub.

3.0 Site History

3.1 The following previous applications have been received by the Local Planning Authority.

Application Number	Proposal	Decision
17/00398/CU	Change of use of cafe (A3) into mixed use of cafe/restaurant and hot food takeaway (A3/A5)	Withdrawn
17/00399/ADV	Advertisement application for the display of one externally illuminated fascia sign and one non-illuminated fascia sign	Withdrawn
17/00792/ADV	Advertisement application for the display of one externally illuminated fascia sign and one non-illuminated fascia sign	Permitted
17/00793/ELDC	Existing lawful development certificate for the use of the ground floor as a restaurant (A3) and takeaway (A5) with owners accommodation above (C3)	Withdrawn
17/01123/PREONE	Change of use of restaurant/café (A3) to micro pub (A4)	Advice issued

4.0 Consultation Responses

4.1 The following responses have been received from statutory and non-statutory consultees:

Consultee	Response
Parish Council	Objection – concerns regarding the proximity of the development to the level crossing, parking and noise
County Highways	No objection
Environmental Health	No objection – subject to conditions
Lancashire Constabulary	No objection – subject to conditions
Network Rail	Concerns – regarding the proximity of the development to the level crossing given the nature of the use; the effect alcohol has on decision-making; and the concern that patrons may park vehicles on the approach to and from the level crossing.

5.0 Neighbour Representations

5.1 The following correspondence has been received by the Local Planning Authority:

1 letter of objection raising concerns regarding noise and impacts upon residential amenity, overlooking and reductions in privacy, smoking and parking.

48 letters of support encompassing the following;

- Bringing an empty commercial property into use;
- Supporting the local economy;
- Foster community relations;
- Attract visitors; and
- Minimal impacts upon residential amenity.

6.0 Principal National and Development Plan Policies

6.1 National Planning Policy Framework (NPPF)

Paragraph 14 – Presumption in Favour of Sustainable Development

Paragraph 17 – 12 Core Principles

Paragraph 32 – Requiring safe and suitable access to the site

Paragraphs 56 and 57 – Requiring Good Design

6.2 **Local Planning Policy Overview – Current Position**

At the 14 December 2016 meeting of its Full Council, the local authority resolved to undertake public consultation on:

- (i) The Strategic Policies and Land Allocations Development Plan Document (DPD); and,
- (ii) A Review of the Development Management DPD.

This enabled progress to be made on the preparation of a Local Plan for the Lancaster District. Public consultation took place from 27 January 2017 to 24 March 2017. Whilst the consultation responses are currently being fully considered, the local authority remains in a position to make swift progress in moving towards the latter stages of: reviewing the draft documents to take account of consultation outcomes, formal publication and submission to Government, and, then independent Examination of the Local Plan. If an Inspector finds that the submitted DPDs have been soundly prepared they may be adopted by the Council, potentially in 2018.

The **Strategic Policies and Land Allocations DPD** will replace the remaining policies of the Lancaster District Core Strategy (2008) and the residual 'saved' land allocation policies from the 2004 District Local Plan. Following the Council resolution in December 2016, it is considered that the Strategic Policies and Land Allocations DPD is a material consideration in decision-making, although with limited weight. The weight attributed to this DPD will increase as the plan's preparation progresses through the stages described above.

The **Review of the Development Management DPD** updates the policies that are contained within the current document, which was adopted in December 2014. As it is part of the development plan the current document is already material in terms of decision-making. Where any policies in the draft 'Review' document are different from those adopted in 2014, and those policies materially affect the consideration of the planning application, then these will be taken into account during decision-making, although again with limited weight. The weight attributed to the revised policies in the 'Review' will increase as the plan's preparation progresses through the stages described above.

6.3 Development Management DPD

DM1 – Town Centre Development
DM5 – The Evening and Night-Time Economy
DM21 – Walking and Cycling
DM22 – Vehicle Parking Provision
DM35 – Key design principles

6.4 Lancaster District Core Strategy

SC1 - Sustainable Development

7.0 Comment and Analysis

7.1 The key considerations arising from the proposal are:

- Principle of development;
- General design;
- Impacts upon residential amenity;
- Highway implications and parking provision; and
- Proximity to the adjacent level crossing

7.2 Principle of development

7.2.1 This application seeks consent for a main town centre use (as defined within the NPPF) in a non-town or local centre location. Policy DM1 aims to direct such uses to central locations. However Policy DM1 also states that local centres are important for local trade and commercial activity and any proposals for a change of use must demonstrate that the local service would support the vitality of the local/neighbourhood centre. Whilst Hest Bank is not a designated local centre, the proposed use is considered to contribute to the vitality of the local area. Furthermore, regard has been given to the existing commercial café/restaurant use of this property and other commercial uses present within the locality. As such it is considered that the proposed A4 use can be supported in this location.

7.3 General design

- 7.3.1 No external alterations are proposed as part of this change of use application, as such the proposed development will not impact upon the external appearance of the property or the wider street scene.

7.4 Impacts upon residential amenity

- 7.4.1 The proposed opening hours of the micropub are 5pm to 9pm Monday to Thursday, 5pm to 10pm Friday, 12pm to 10pm Saturday and 12pm to 8pm on Sunday. No objections to these proposed opening hours have been raised by the Environmental Health Officer as nature of the proposed use (as a micro pub and proposed noise management plan, which includes no music, television or gaming/gambling machines) is considered sufficient to minimise the generation of noise within the property itself. In the absence of recorded music being played, there is potential for the transmission of voices or other operational noises to impact upon the adjoining dwelling. In order to mitigate this, sound insulation measures to the shared party wall with No. 8 are proposed. These mitigation measures are considered adequate to minimise the transmission of both impact and airborne sound to the adjoining dwelling. A condition requiring the business to be operated in accordance with the proposed Noise Management Plan is recommended, whilst the proposed opening hours and installation of the sound insulation measures are also conditioned.
- 7.4.2 Furthermore, in assessing the potential for the proposed development to impact upon the occupants of No. 8 Coastal Road, regard has been given to the location of the development site in particular its close proximity (approximately 12 metres) to the West Coast Mainline immediately to the rear of this row of terraces and the adjacent level crossing as well as Coastal Road (A5105). In this setting it is considered that these properties experience high levels of external ambient noise. The use of the ground floor of 6 Coastal Road as a micropub with limited opening hours, a strict noise management regime and sound insulation measures is unlikely to result in excessive levels of noise generation and transmission in light of this setting. Should issues arise regarding excessive noise levels, these can be pursued under relevant Environmental Health regulations.
- 7.4.3 In addition to noise, concerns have been raised regarding increased levels of overlooking and reductions in existing levels of privacy. 6 Coastal Road benefits from a raised terrace to the rear elevation which provides access to the rear garden. Views of the neighbouring private garden space can be achieved from these spaces. In order to maintain acceptable levels of privacy for the neighbouring occupants, a condition preventing customers of the micro pub from using both the raised terrace and rear garden is recommended.
- 7.4.4 An existing rear elevation window will serve a new seating area which will be used by customers. Concerns were raised by Officers with the applicant about the use of this space and the potential for privacy levels of the neighbouring garden space to be harmed. A condition requiring the entirety of this window to be obscure glazed was discussed. However, after an internal site visit it became apparent that only limited views of the neighbouring garden space from this window are achieved as views are significantly restricted by the differences in height between the floor level of this room and garden levels, orientation of the window in relation to the neighbouring garden and the intervening boundary wall of the raised terrace. In order to completely prevent views of the rear garden from this window only the lower 50cm section of this window and adjacent glazed door is required to be obscured, this will allow views of the railway line to be retained. This is required by way of a condition.
- 7.4.5 Concerns have been raised regarding the potential for increased numbers of smokers to the front of the property. Although customers would be able to smoke in the public domain, given the scale of the use intended and the provision of a receptacle for used cigarettes to the front of the building away from the front elevation of Number 8, it is considered that there will not be a negative impact upon the amenity of the neighbouring occupiers. The management of smokers will be similar to that at the recently permitted micropub in Bare, which also has residential occupiers adjacent to the micro-pub use. No concerns are raised by Environmental Health in this regard.

7.5 Highway implications and parking provision

- 7.5.1 The proposal does not include the provision of dedicated customer parking for the A4 use. Concerns have been raised by neighbouring occupiers, the Parish Council and Network Rail regarding the potential for increased parking to impact upon the operation of the surrounding highway network, particularly in close proximity to the level crossing. No objections to this proposal have been raised by County Highways, it is considered that sufficient off-road parking facilities are provided along The Shore at Strand Dub Wood.
- 7.5.2 With regards to the potential for parking to impact upon the use of the highway in close proximity to the level crossing, as mentioned in the previous section, off-street parking is available within the immediate locality. Furthermore, the level crossing benefits from highway markings in order to prevent inappropriate parking so as to maintain adequate visibility on approach and ensure acceptable safety levels are retained.
- 7.5.3 Customers of the proposed micropub will not have to solely rely on private vehicles to visit the property. Regard has also been given to the location and nature of the proposed use and the fact that primarily the business will be providing a service to the local community who would likely be within walking distance of the site. A nearby pedestrian crossing point will allow customers to safely cross over the A5105. It is also acknowledged that the site is situated on the route of the 5, 14 and 755 bus routes, there are two bus stops within close proximity of the site.

7.6 Proximity to the adjacent level crossing

- 7.6.1 Network Rail have raised concerns to the proposal due to its proximity to the adjacent level crossing over the West Coast Mainline and potential safety concerns arising from this. It is acknowledged that the property is situated close to the level crossing, however, it is also noted that the crossing benefits from a number safety measures including barriers, dedicated lighting, warning alarms and CCTV, as well as significant warning time for oncoming trains. Moreover, a bridge provides dedicated pedestrian access over the railway. As Network Rail indicate in their response, this is one of the safest forms of level crossing available.
- 7.6.2 Whilst it is acknowledged that the site is in close proximity to this crossing and customers would be able to use it to access The Shore, it is considered that the introduction of the proposed use would not increase safety concerns at this crossing, given the safety measures listed above. The level crossing is currently well used and is the main access point onto The Shore, an area popular with walkers whilst there is also a café/takeaway and caravan park. The micropub is not anticipated to create a significant increase in foot fall using this crossing considering the scale and nature of the proposed use. Furthermore, other drinking establishment uses have been successfully and safely carried out in similar locations including train stations in the district. Given the safety measures included at this site, arguably this is a safer location than a train station. It is not considered that the sites proximity to the level crossing would be a sufficient reason to refuse this application.

8.0 Planning Obligations

- 8.1 There are no planning obligations to consider as part of this application.

9.0 Conclusions

- 9.1 It is considered that the proposed use can be supported in this location. Due to restricted opening hours, a strict noise management regime and sound insulation measures, it is not considered that the use will result in unacceptable levels of noise. Measures to ensure existing levels of privacy are retained are sufficient whilst given the scale and nature of the proposed use it is not considered that there will be an unacceptable rise in anti-social behaviour. It is considered that there is sufficient off-street highway parking spaces in the locality to cater for the scale of the proposed use, whilst it is also noted that the site is accessible on foot and by bus. Although the site is in close proximity to the adjacent level crossing, the operation of the micropub in this location is not considered unacceptable given the existing usage of the crossing and the safety measures installed. Overall, subject to the recommended conditions the proposed change of use of this property to an A4 drinking establishment use can be supported.

Recommendation

That Planning Permission **BE GRANTED** subject to the following conditions:

1. Standard three-year condition
2. Development to be carried out in accordance with the approved plans
3. Development to be operated in accordance with the approved noise management plan
4. Development to be operated in accordance with the approved opening hours
5. Installation of the approved sound insulation measures prior to first use
6. Installation of obscure glazing to 50cm in height from cill level to rear elevation window and adjacent door prior to first use
7. Raised terrace and rear garden not to be used by customers

Article 35, Town and Country Planning (Development Management Procedure) (England) Order 2015

In accordance with the above legislation, Lancaster City Council has made the recommendation in a positive and proactive way to foster the delivery of sustainable development, working proactively with the applicant to secure development that improves the economic, social and environmental conditions of the area. The recommendation has been made having had regard to the impact of development, and in particular to the relevant policies contained in the Development Plan, as presented in full in the officer report, and to all relevant material planning considerations, including the National Planning Policy Framework, National Planning Practice Guidance and relevant Supplementary Planning Documents/ Guidance.

Background Papers

None