

Agenda Item	A9
Application Number	20/00649/FUL
Proposal	Change of use of shop (A1) to micro pub (A4)
Application site	312 Lancaster Road, Morecambe, Lancashire LA4 6LY
Applicant	Mr Brian Peters
Agent	Mr Chris Harrison
Case Officer	Mr Robert Clarke
Departure	No
Summary of Recommendation	Approval

(i) Procedural Matters

The applicant is related to an employee of Lancaster City Council therefore, in accordance with the Council's Scheme of Delegation, the application must be determined by the Planning Regulatory Committee.

1.0 Application Site and Setting

1.1 The property forming the subject of this application is a ground floor commercial retail unit located within a semi-detached property on the northern side of Lancaster Road in Torrisholme. In addition to the subject ground floor unit, there is a beauty salon to the first floor and a hot food takeaway located to the rear, both accessed from Torrisholme Court. At the northern end of Torrisholme Court is a small parking area. The property features a white roughcast render finish, underneath a pitched roof finished with slate. The front elevation features a prominent gable with a commercial glazed shopfront and fascia to the ground floor. The property is set back from the public footpath and features a private forecourt area measuring 4.2 metres in depth which is finished with brick pavers.

1.2 The site is located within the urban local centre of Torrisholme as identified in the Strategic Policies and Land Allocations DPD. This local centre features a mix of commercial uses focused along Lancaster Road interspersed with residential dwellings. There is a residential dwelling adjoining the subject building to the east, an end of terrace property located on the opposite side of Torrisholme Court to the west and a row of terraced dwellings located on the southern side of Lancaster Road.

2.0 Proposal

2.1 This application seeks consent for the change of use of the ground floor commercial unit from its current use as a retail store (use class E), previously a bridal shop, to use as a drinking establishment (Sui Generis). The application submits that the drinking establishment would be operated as a 'micro-pub' that will utilise the existing shop frontage and consist of a main seating area with a bar area towards the rear of the unit. The application also includes the provision of free-

standing timber planters along the boundary of the forecourt and installation of a bin store within the car park.

2.2 Reference is made within the application description to use class A1 for the existing retail use and use class A4 for the proposed use. These use class references originate from The Use Class Order 1987 which was recently amended by The Town and Country Planning (Use Classes) (Amendment) (England) Regulations 2020, coming into force on 1 September 2020. This amendment to the order has revoked class A amongst others and replaced it with new use class E into which the former A1 use class now sits. The former A4 use class now sits within the sui generis category. The application description has not been updated to refer to the new use class categories as defined within the 2020 amendment, as the amended order states that descriptions for applications received before the order came into force do not need to be updated. However, for the purposes of this application it is important to note the description of the proposal as detailed in the preceding paragraph.

3.0 Site History

3.1 A number of relevant applications relating to this site have previously been received by the Local Planning Authority. These include:

Application Number	Proposal	Decision
10/00128/CU	Change of use and extension of properties to form restaurant (Class A3)	Permitted
10/00966/CU	Change of use from sandwich shop to hot food takeaway (A5)	Permitted

4.0 Consultation Responses

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

Consultee	Response
County Highways	No objection
Environmental Health	Two consultation responses have been received from Environmental Health: 22 September 2020 – Objection – The use proposed is inappropriate in this location due to the significant change in the nature and operating times of the proposed use and the lack of practical physical means of mitigating potential noise nuisance. 08 October 2020 – No objection – The submitted operational management plan is sufficient in alleviating concerns regarding the nature of the use. Conditions recommended to control the management of the use.
Lancashire Constabulary	No objection – Advice provided regarding security measures which could be incorporated into the scheme.
Parish Council	No comments received

4.2 The following responses have been received from members of the public:

3 letters of objection have been received raising the following concerns:

- Nature of the use and subsequent impact upon the amenity of adjoining occupiers; and
- Highway safety and parking.

5.0 Analysis

5.1 The key considerations in the assessment of this application are:

- **Principle of development** (Development Management DPD Policies DM16: Town centre development, DM18: Local centres, DM25: The evening and night-time economy, DM29: Key design principles, DM57: Health and well-being, DM62: Vehicle parking provision, Strategic Policies and Land Allocations DPD Policy TC1: The retail hierarchy for Lancaster District and National Planning Policy Framework Section 6: Building a strong, competitive economy, Section 7: Ensuring the vitality of town centres, Section 8: Promoting healthy and safe communities, Section 9: Promoting sustainable transport, Section 12: Achieving well-designed places)
- **Residential amenity** (Development Management DPD Policies DM16: Town centre development, DM18: Local centres, DM25: The evening and night-time economy, DM29: Key design principles, DM57: Health and well-being, DM62: Vehicle parking provision and National Planning Policy Framework Section 8: Promoting healthy and safe communities, Section 12: Achieving well-designed places)
- **Highway and parking Implications** (Development Management DPD Policies DM16: Town centre development, DM18: Local centres, DM25: The evening and night-time economy, DM29: Key design principles, DM57: Health and well-being, DM62: Vehicle parking provision and National Planning Policy Framework Section 8: Promoting healthy and safe communities, Section 12: Achieving well-designed places)

5.2 Principle of development

5.2.1 This application seeks consent for the change of use of the existing retail unit to a drinking establishment, a main town centre use as defined within the National Planning Policy Framework. Policy TC1 of the SPLA DPD defines Torrisholme as a local centre and Policy DM18 of the DM DPD details the way in which applications resulting in the loss of retail space in these locations will be determined. DM18 sets out criteria which development must meet in order for proposals involving the loss of retail space to be considered appropriate.

5.2.2 Having considered criteria I. through to V. of this policy it is considered that the nature of the use proposed, a 'micro-pub', would both be proportionate to the scale, role and function of the local centre and maintain an active street frontage during daytime hours given the opening hours of 10:00 – 22:00 granted by the premises licence and applied for as part of this application. Whilst the proposal will result in the loss of the former retail space, it is considered that as a result of the remaining retail space available in this location, the proposal would not be harmful to the overall vitality and viability of the local centre. The addition of the proposed use combined with the existing commercial uses within the area will add to the overall service offer, potentially providing linked trips to other businesses in the vicinity, particularly as a cross between the daytime and evening economies. It is considered that the proposed use would facilitate the generation of a small business proportionate to the local services already existing in the area and has the potential to positively contribute to the vitality of the local area. The provision of a drinking establishment use is also considered consistent with the aims and objectives of Section 8 of the NPPF which seeks to achieve healthy and inclusive places, promote social interaction and create strong neighbourhood centres. Subject to the proposal satisfactorily addressing the matters of residential amenity and highway safety, which are discussed in the following sections, it is considered that the proposed change of use is consistent with the Development Plan.

5.3 Residential amenity

5.3.1 Concerns have been raised by some parties regarding the way in which the use proposed will impact upon the standard of amenity that surrounding residents can reasonably expect to enjoy. Of particular importance is the potential impact of the development, by virtue of increased noise and general disturbance, upon the occupants of No. 314 Lancaster Road given it is physically adjoining the subject unit. Other residential properties are detached from the application building and benefit from a greater separation.

5.3.2 In the first instance, an objection was received from the Council's Environmental Health Officer who considered that the use proposed is substantially and materially different in nature to its current use as a bridal store. It was considered that the use of the premises as a drinking establishment would

have resulted in undue harm to the amenity of the adjoining occupiers through the transmission of noise through the party wall and general disturbance from customers using the forecourt area to gather, smoke and enter/egress the building.

- 5.3.3 However, following this initial consultation response and following a discussion with the applicant regarding the way in which the use of the premises as a 'micro-pub' will be managed, the Council's Environmental Health Officer has removed this initial objection and instead recommends a number of conditions to control the nature of the use proposed.
- 5.3.4 The application is accompanied by both an operational and noise management plan which submits that the premises would be operated as a 'micro-pub' with the aim of providing '*a quiet relaxed environment where local people can meet to enjoy good conversation.*' The noise statement states that there will be no live music, recorded music, televisions or sports games. With respect to external noise and nuisance, the proposal does not include an external drinking area (for which appropriate licences would be required), but given the forecourt's ancillary relationship to the application property it could be used without planning permission by patrons of the proposed drinking establishment. Whilst the submitted operational and noise management plan advises that staff would actively discourage and disperse clients from using the forecourt as a place to gather and smoke (a designated smoking area is currently provided further down Torrisholme Court close to the parking area), this would be difficult to enforce.
- 5.3.5 The application is not supported by a formal noise assessment which would be able to establish existing background noise levels and more accurately determine the way in which the proposed use would impact upon surrounding residential dwellings. However, the application site is situated in a local centre consisting of a mix of commercial uses including convenience stores, drinking establishments and takeaways as well as a number of offices and professional services. Lancaster Road is also a busy transport thoroughfare and is dominated by road traffic noise. Cumulatively this results in high ambient sound levels as expected within a commercialised local centre. In this context, it is considered that the control of external noise, particularly later at night when the road may be quieter, can be appropriately controlled by way of conditioning the operational and noise management plans, and the non-use of the forecourt by patrons. Amongst other things, it stipulates opening hours. The presence of timber planters along the party boundary of the forecourt will also provide a degree of separation between the two sites. A condition to retain these planters which are now in situ is recommended. Furthermore, a condition restricting the forecourt use to access/egress to the premises (i.e. not an external area to be used by patrons for gathering, drinking or smoking) is also required.
- 5.3.6 With respect to internal noise, as set out in section 5.3.4, there will be no live music, recorded music, televisions or sports games. The emphasis is on creating a quiet and relaxing atmosphere in which clients can converse. This again can be controlled by way of the adoption of the submitted management plans. However, given the fact that the subject unit is attached to a residential dwelling with a shared party wall, it is considered necessary that a scheme for noise attenuation measures, including sound insulation to the party wall, also be conditioned. Such a condition would ensure that increases in noise levels, which could reasonably be expected given the nature of the proposed use compared to the current retail use, do not result in a material increase in noise being transferred to the neighbouring dwelling.
- 5.3.7 Subject to the aforementioned recommended conditions, it is considered that the proposed development would not result in unacceptable impacts to the most sensitive residential receptors. The Environmental Health Officer has raised no objection subject to the implementation of these measures prior to first use, and a premises licence has also been issued for the proposed use. Lastly, any excessive or undue noise that occurs from the site that could lead to a detrimental effect on health and wellbeing would be subject to other regulatory legislation controlled by Environmental Health.

5.4 Highway and parking Implications

- 5.4.1 Lancaster Road is subject to extensive traffic regulation orders which limits the ability for vehicles to park along the highway. A single staff parking space is provided within the shared parking area at the rear of Torrisholme Court, which is the current arrangement. Customers of the proposed drinking establishment would not be solely reliant upon private motor vehicles to visit the property, as the

property is located within an accessible location in a local centre, along a well-serviced bus route and on an aspirational cycle route and close to an adopted cycle route. The proposal is considered to be acceptable with respect to its highway safety and parking implications and is in accordance with NPPF Section 9, in particular paragraph 109.

6.0 Conclusion and Planning Balance

6.1 In conclusion, subject to conditions regarding the adoption of the submitted noise and operational management plans, retention of boundary treatments, control of opening hours and submission of a scheme for sound attenuation, the proposal is considered to have no significant harmful impacts upon the residential amenity of the area. Whilst the proposal will result in the loss of a retail unit within the local centre, it is considered that the proposed use would still contribute to the overall vitality and viability of the area and serve to expand its service provision. On this basis, the application is considered to accord with the provisions of the Development Plan, in particular Policies DM18 and DM29.

Recommendation

That Planning Permission BE GRANTED subject to the following conditions:

Condition no.	Description	Type
1	Standard three year timescale	Control
2	Approved plans	Control
3	Details of sound attenuation/proofing measures to be agreed and implemented prior to first use	Prior to Commencement
4	Installation of refuse storage prior to first use	Prior to Occupation
5	Operation in accordance with the operational and noise management plans	Control
6	Opening schedule as detailed in operational management plan	Control
7	Retention of forecourt boundary treatment	Control
8	Use of forecourt solely for access and egress of the premises. In particular, not to be used as a gathering space for patrons to smoke and/or drink	Control

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