

Committee Report**Date: 06.03.2024**

Item Number	01
Application Number	23/00705/FUL
Proposal	Proposed shop front replacement, following demolition of existing shop front
Location	6 Breck Road Poulton-Le-Fylde Lancashire FY6 7AA
Applicant	Mr Simon Luptrott
Correspondence Address	c/o Mr Darren Trippier 1 Norton Vale Thornton Cleveleys FY55QB United Kingdom
Recommendation	Permit

REPORT OF THE HEAD OF PLANNING SERVICES**CASE OFFICER - Mrs Andrea Stewart**

Site Notice Date: 19.09.23

Press Notice Date: N/a

1.0 INTRODUCTION

- 1.1 This planning application is presented before Planning Committee at the request of Councillor Le Marinel citing concerns relating to the impacts on residential amenity arising from the proposal. A site visit is recommended to enable members to understand the site context beyond the plans submitted and site photographs taken by the Case Officer.

2.0 SITE DESCRIPTION AND LOCATION

- 2.1 The application property is an existing drinking established (use class Sui Generis) known as Boca situated on the eastern side of Breck Road, Poulton-le-Fylde, close to its junction with Ball Street, and Vicarage Road. This area of the town is defined as a primary shopping area with a secondary frontage in the adopted Local Plan and is within the Poulton-le-Fylde Conservation Area and Town Centre. The property is not a Listed Building and is two storey within a row of terrace commercial properties, brick built, with timber windows and a pitched slate roof. At ground floor there is a modern glazed shop front with fascia sign above. The property has been extended to the rear. Beyond the rear boundary is a parking area used by the Cube and beyond that residential properties on Prudy Hill.

3.0 THE PROPOSAL

- 3.1 This planning application is for a proposed shop front replacement, following demolition of existing shop front. The proposed shop front seeks to replace the existing with a more contemporary design that includes bi-folding windows that fold back to allow the full width of the shop window (excluding the door) to fold back and become open this would sit within the ground floor building frontage onto Breck Road. The bottom panels to a height of 0.87m below the bifolding windows would be fixed timber panels. The bifolding windows would be positioned adjacent to a new, part glazed front door. The materials would comprise of a black finish timber panelled stall riser and mullions.

4.0 RELEVANT PLANNING HISTORY

- 4.1 12/00597/FUL - Application for a variation of condition No 2 attached to 10/00920/FUL, to allow opening until 1:30 AM - Approved subject to following condition

Condition 01 - The use of these premises in accordance with this permission shall be restricted to the following hours; 07.00hrs to 01.30hrs on Monday to Saturdays and 09.00hrs to 01.30hrs on Sundays and Bank Holidays.

- 4.2 10/00920/FUL - Retrospective application for a change of use of property to an A4 use (drinking establishment). Approved by committee 2 February 2011 subject to following conditions

Condition 02 - The use of these premises in accordance with this permission shall be restricted to the following hours; 07.00hrs to 00.30.00hrs on Monday to Saturdays and 09.00hrs to 00.30hrs on Sundays and Bank Holidays.

Condition 03 - There shall not be any emptying of bottle bins between the hours of 12:00 midnight and 08:30.

5.0 PLANNING POLICY

- 5.1 ADOPTED WYRE BOROUGH LOCAL PLAN 2011-2031) (INCORPORATING PARTIAL UPDATE OF 2022) AND BARTON NEIGHBOURHOOD PLAN (2019-2030)

- 5.1.1 The Wyre Local Plan (2011-2031) (incorporating partial update of 2022) (WLPPU31) was adopted on 26 January 2023 and forms the development plan for Wyre. The Barton Neighbourhood Plan (2019-2030) was adopted on 30 November 2023 and forms part of the development plan for Wyre, where decisions are made within the Barton Neighbourhood area. To the extent that development plan policies are material to the application, and in accordance with the provisions of section 70(2) of the Town and Country Planning Act 1990 and section 38(6) of the Planning and Compulsory Purchase Act 2004 the decision must be taken in accordance with the development plan unless there are material considerations that indicate otherwise.

- 5.1.2 The following policies contained within the WLPPU 2031 are of most relevance:

SP2 - Sustainable Development
CDMP3 - Design

CDMP5 - Historic Environment
EP4 - Town Centre Boundary
EP5 - Primary Shopping Area
EP56 - Secondary Frontage

5.2 NATIONAL PLANNING POLICY FRAMEWORK 2023

5.2.1 The revised National Planning Policy Framework (NPPF) was published by the Government on 19th December 2023. It sets out the planning policies for England and how these should be applied in the determination of planning applications and the preparation of development plans. At the heart of the NPPF is a presumption in favour of sustainable development (paragraph 11). The policies in the 2023 NPPF are material considerations which should also be taken into account for the purposes of decision taking.

5.2.2 The following sections / policies set out within the NPPF are of most relevance:

Section 2 Achieving Sustainable Development
Section 6 Building a strong, competitive economy
Section 12 Achieving well-designed places
Section 16 Conserving and enhancing the historic environment

OTHER MATERIAL CONSIDERATIONS

5.3. NATIONAL PLANNING PRACTICE GUIDANCE

Historic Environment
Design
Noise

5.4 OTHER RELEVANT NATIONAL GUIDANCE / LEGISLATION

Historic England, Good Practice Advice in Planning.

The Planning (Listed Buildings and Conservation Areas) Act 1990 (PLBCA), S.66 and S.72

5.5 WYRE SUPPLEMENTARY PLANNING GUIDANCE

SPG 3 - Signs and Shop Fronts in Conservation Areas

6.0 CONSULTATION RESPONSES

6.1 POULTON-LE-FYLDE HISTORICAL & CIVIC SOCIETY

6.1.1 No comments received at the time of compiling this report

6.2 LANCASHIRE COUNTY COUNCIL (HIGHWAYS)

6.2.1 No objections. Verbally advised that the proposal will not affect or involve works within the adopted highways and as such there is no objections to the proposed replacement frontage

6.3 WBC HEAD OF ENVIRONMENTAL HEALTH AND COMMUNITY SAFETY
(ENVIRONMENTAL PROTECTION - AMENITY)

6.3.1 No objection but request restricting the opening of the proposed windows to 7pm only.

7.0 REPRESENTATIONS

7.1 No observations received at the time of compiling this report

8.0 CONTACTS WITH APPLICANT/AGENT

8.1 During processing the planning application there has not been contact with the applicant or the agent.

9.0 ISSUES

9.1 The main issues in this application are as follows:

- Principle of the development and policy compliance
- Visual Impact, Design and Impact on the street scene
- Impact on Historic Environment
- Impacts upon Residential Amenity

Principle of the Development

9.2 This application seeks consent for the replacement of the shop front only. The principle and the use of the premises as a drinking venue is already established with restrictions conditioned accordingly in relation to the opening hours of the premises. There is no change of use proposed as part of this application, which relates to external alterations to the existing building only. In principle external works to existing premises is considered acceptable, the National Planning Policy Framework (NPPF) gives support to business and sets out that planning should operate to encourage, and not act as an impediment to, sustainable growth. Significant weight should be placed on the need to support economic growth through the planning system with a proactive approach to meet the development needs of business.

9.3 Overall, the application would accord with the relevant national and local planning policies and is considered to be acceptable in principle subject to other matters which will be considered elsewhere in this report.

Visual Impact, Design and Impact on the street scene

9.4 The application site is located in a prominent position within Poulton-le-Fylde Conservation Area, the front elevation faces Breck Road which is one of the main roads within the one way traffic flow within Poulton Town Centre. The shop frontage is modest in width along the commercial row of terraced properties to the East of Breck Road and currently the building contains a modern, 20th Century shop front. This proposal seeks to replace the existing shop front with a more contemporary design that includes bi-folding windows that would sit entirely within the building frontage when in the open position.

9.5 Along this part of Breck Road there are modern frontages to the main front elevations including a similar shop front at 24 Breck Road. The new shop

front is of an acceptable design with the materials comprising of a timber panelled stall riser and mullions coloured black to harmonise with the architectural features of the building. These materials and external finishes are considered to be acceptable. The proposal is of an appropriate design and would comply with the provisions of policy CDMP3 of the Wyre Local Plan.

Impact on the Historic Environment

- 9.6 The subject building is not a Listed Building however it is located centrally within the Poulton Le Fylde conservation Area. In determining planning applications, local planning authorities have special duties with regard to preserving the character and appearance of conservation areas under s66 and s72 of the Town and Country (Listed Buildings and Conservation Areas) Act 1990 respectively. The NPPF emphasises that great weight should be given to the conservation of heritage assets and that the significance of an asset can be harmed by development within its setting (NPPF paragraphs 193-4). Policy CDMP5 of the WLP31 seeks to protect, conserve and where appropriate enhance the historic environment through high standards of design.
- 9.7 In Supplementary Planning Guidance 'Signs and Shop Fronts in Conservation Areas' it requires an existing shopfront that is of special or traditional character, to retain many of its features and is capable of restoration then refurbishment however in this case it involves the replacement of an existing modern shop frontage of little historic importance. The materials used would be timber painted black colour which is an acceptable more traditional material and respectful of Poulton Conservation Area. The Conservation Officer raises no objection and has advised that the proposal would sustain the significance of the conservation area and comply with Policy CDMP5 and Section 16 of the NPPF.

Impacts upon Residential Amenity

- 9.8 There is residential accommodation and flats at upper floor levels in the area near to the application site along with other residential houses in the wider area, the nearest being those within the terraced dwelling to the rear on Prudy Hill (approximately 10m distance to the rear of the building at the application site and the garden of these dwellings, 16m to the rear elevations of dwellings at the nearest distance. The rear of The Cube public house separates the application site to the dwellings on Prudy Hill. The impact on the residential amenity of its occupants is an important consideration.
- 9.9 The retractable windows are positioned to the front elevation of the building facing Breck Road which is a busy main road with heavy traffic flows. There is also a number of bars and other commercial properties along Breck Road therefore the background noise levels are already higher. The greatest impacts from the proposed bi folding windows will relate to the residential flats above due to the close proximity and potential noise from the commercial premises. The dwellings on Prudy Hill behind the application site are some distance away from the front elevation of the subject property and as such are unlikely to be affected by any noise impacts from the proposal.
- 9.10 The main issue arising from the proposal is whether or not the proposed bi folding windows would have any significant adverse impacts on residential

amenity arising from noise when they are open. An Acoustic Noise Assessment has been submitted with the planning application and concludes that the proposed development will not result in any adverse impact on the nearby residential properties and no additional mitigation measures are required. However, it does recommend that the opening of the windows be restricted to 19:00hrs on any given day, to ensure minimal sound emissions when the venue gets busier in the evening. It is recommended that an appropriately worded condition is added to this effect. The Councils Environmental Health Officer has raised no objection to the proposal.

- 9.11 Subject to a condition preventing the opening of the retractable windows after 19:00hrs it is not considered the proposal would result in significant adverse impacts upon neighbouring amenity and would comply with the provisions of Policies CDMP1 and CDMP3 of the Wyre Local Plan.

10.0 CONCLUSION

- 10.1 The principle of the development in this town centre location is acceptable. Although the replacement shop front is of a modern design this will not have any visual harm to the character of the street scene or the historic setting of the Poulton conservation Area. Subject to conditions the proposal is not considered to have any significant impacts upon residential amenity and for the reasons set out within this report the proposal complies with the relevant policies of the Wyre Local Plan and the National Planning Policy Framework.

11.0 HUMAN RIGHTS ACT IMPLICATIONS

- 11.1 ARTICLE 8 - Right to respect the private and family life has been considered in coming to this recommendation.
- 11.2 ARTICLE 1 - of the First Protocol Protection of Property has been considered in coming to this recommendation.

12.0 RECOMMENDATION

- 12.1 Grant full planning permission subject to conditions

Recommendation: Permit

Conditions: -

1. The development must be begun before the expiration of three years beginning with the date of this permission.

Reason: This condition is required to be imposed pursuant to Section 91 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

2. The development shall be carried out, except where modified by the conditions to this permission, in accordance with the Planning Application received by the Local Planning Authority on 24.08.2023 including the following plans/documents:
 - Location plan received on 20.07.23
 - Proposed plans and elevation drawing 1994.01 received on 20.07.23

The development shall be retained hereafter in accordance with this detail.

Reason: For the avoidance of doubt and so that the Local Planning Authority shall be satisfied as to the details.

3. The development shall be carried out strictly using those materials specified on the approved plan 1994.01 unless other minor variations are submitted to and approved in writing by the Local Planning Authority after the date of this permission and before implementation.

Reason: To safeguard the visual amenities of the locality and in accordance with Policy CDMP3 of the Wyre Local Plan (2011-31).

4. The bi-folding window on the front elevation as shown on the approved plan shall be closed at 19.00hrs on any given day and shall remain closed until 09:00hrs on the following day.

Reason: To avoid an unacceptable impact on residential amenity by virtue of noise in accordance with Policy CDMP1 of the Wyre Local Plan and the National Planning Policy Framework.