

Committee Report**Date: 7 November 2018**

Item Number	01
Application Number	18/00488/FUL
Proposal	Change of use from bank office to public house and restaurant with associated external alterations.
Location	23 Market Place Poulton-Le-Fylde Lancashire FY6 7BT
Applicant	Inns And Leisure Limited
Correspondence Address	c/o Kuit Steinart Levy LLP 3 St Mary's Parsonage Manchester M3 2RD
Recommendation	Permit

REPORT OF THE HEAD OF PLANNING SERVICES**CASE OFFICER - Mr Rob McKillop****1.0 INTRODUCTION**

1.1 This application is before Members at the request of Councillor McKay. A site visit is recommended to enable Members to understand the proposal and its setting beyond the plans submitted and the photos taken by the Case Officer.

2.0 SITE DESCRIPTION AND LOCATION

2.1 The application site is the former Nat West Bank building on the south side of Market Place in Poulton-le-Fylde town centre. The subject property is a 2 storey red brick terraced building within the Secondary Shopping Area of Poulton as defined in the adopted Wyre Local Plan Proposals Map. The site is also designated as having a Secondary Frontage on the Proposals Map to the emerging Wyre Local Plan. The front of the shop has 2 Georgian windows, a canopy with pillars to the entrance and a parapet to the top of the wall. The building is within the Poulton-le-Fylde Conservation Area and is currently vacant.

3.0 THE PROPOSAL

3.1 The proposal is for the change of use of the existing bank premises to a public house and restaurant with associated external alterations. The external changes include the provision of a rear staircase to the east facing elevation to allow access to the proposed rear outdoor seating area to be formed above the existing single storey rear extension. A balustrade would run around the edge of the proposed seating area. Two new obscure glazed first floor windows to the rear on the east elevation are proposed along with bricking up part of the side wall to replace an existing vent. The three existing ground floor windows to the rear would be bricked up and a new air conditioning unit is also proposed at ground level on the rear elevation with an extract duct proposed to the east facing side roof slope. Also to

the rear two new doors are proposed on the east elevation and a new 2m high timber fence is proposed to enclose a rear yard area.

In terms of internal works, a new mezzanine floor is proposed for additional seating and changes are also proposed to the ground floor layout. An ancillary "manager's flat" is proposed at the first floor level. It is proposed that 4 full time and 16 part time members of staff would be employed. Proposed opening hours are 10:00 - 00.00 Sundays to Thursdays and 10:00 - 01:00 Fridays, Saturdays, Bank and Public Holidays and the day immediately prior to a bank or public holiday.

4.0 RELEVANT PLANNING HISTORY

4.1 17/00316/FUL: Removal of existing Nat West brand signage, ATM and night safe, infill existing ATM and night safe apertures with brick to match the existing building. Permitted.

14/00964/ADV: Advertisement consent for one externally illuminated hanging sign, one rear halo illuminated fascia sign and new ATM signage. Permitted.

5.0 PLANNING POLICY

5.1 ADOPTED WYRE BOROUGH LOCAL PLAN 1999 (SAVED POLICIES)

5.1.1 The Wyre Borough Local Plan was adopted on the 5th July 1999. The saved Local Plan forms part of the development plan for the borough. Due weight should be given to relevant policies according to their degree of consistency with the Emerging Local Plan and the National Planning Policy Framework (NPPF).

5.1.2 The following policies are considered to be of relevance to the determination of this application:

- Policy SP14 - Standards of design and amenity
- Policy ENV9 - Conservation Areas
- Policy S6 - Change of Use of Retail Premises
- Policy TC1 - Town Centre Boundary
- Policy TC7 - Secondary Shopping Area

5.2 EMERGING WYRE LOCAL PLAN

5.2.1 The Council is in the process of preparing a new Wyre Local Plan. Following public consultation on the 'Publication' draft Wyre Local Plan (2011-2031), the Council submitted the draft Local Plan with minor amendments to the Government for examination on the 23rd January 2018. The Inspector appointed to carry out the examination held a series of hearing sessions in May into the Local Plan, which included consideration of proposed modifications submitted by the Council prior to and during the hearing sessions. The Inspector issued a Post Hearing Advice note to the Council in July which provides a clear direction on key issues arising from the examination and further main modifications that are required to make the Wyre Local Plan sound. The Council published its initial response to the Inspector's note on the 30th July 2018, which sets out how it will be making the necessary amendments required by the Inspector. The proposed Main Modifications (MM) to the 'Publication' draft Wyre Local Plan were considered by Full Council on 6th September and approved for public consultation for six weeks, commencing on the 12th September. Although the draft Local Plan as proposed to be modified does not have the full

weight of an adopted Local Plan, it has reached an advanced post hearing stage in the local plan process and is supported by a comprehensive and robust evidence base. Development plan policies contained within the draft Local Plan as proposed to be amended in response to the Inspector's Post Hearing Advice will therefore be given increased weight in determining planning applications depending on the particular circumstances of the case and the extent of any unresolved issues.

5.2.2 Where policies in the new Wyre Local Plan are consistent with the 2012 NPPF, then the (revised) NPPF published in 2018 allows for increased weight to be given to them. Those development plan policies with no unresolved issues will be given significant weight and will form the starting point in determining planning applications. Alongside these, the policies in the 2018 NPPF are material considerations which should also be taken into account for the purposes of decision taking.

5.2.3 The following policies contained within the draft Local Plan are of most relevance:

- SP1 - Development Strategy
- SP2 - Sustainable Development
- CDMP1 - Environmental Protection
- CDMP3 - Design
- CDMP5 - Historic Environment
- EP4 - Town, District, Local and Neighbourhood Centres
- EP5 - Main Town Centre Uses (Primary Shopping Area)
- EP6 - Secondary Frontages

5.3 NATIONAL PLANNING POLICY FRAMEWORK (2018)_

5.3.1 There is a presumption in favour of sustainable development and approving development proposals that accord with the development plan without delay. The following chapters of the NPPF are considered relevant to the determination of this application:

- Chapter 6 - Building a strong, competitive economy
- Chapter 8 - Promoting healthy and safe communities
- Chapter 9 - Promoting sustainable transport
- Chapter 12 - Achieving well-designed places
- Chapter 16 - Conserving and enhancing the historic environment

5.4 OTHER GUIDANCE

5.4.1 National Planning Practice Guidance (NPPG) - March 2014
Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990
Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990

6.0 CONSULTATION RESPONSES

6.1 LANCASHIRE COUNTY COUNCIL (HIGHWAYS) has no objection following amendments to the proposed access/delivery arrangements, which are now to be taken from the rear parking area to avoid obstruction of Market Place.

6.2 POULTON HISTORICAL SOCIETY - expressed concerns on previous occasions about the proliferation of licensed drinking and eating establishments in

the town, and the imbalance this creates with fewer actual shops in what is supposed to be a market town. There are also concerns about the sustainability of these competing licensed businesses. That said this proposal has the merit of preserving this prominent building, and in particular the appearance of the façade which forms the backdrop for the listed structures within the Market Place. There would be little change to the exterior and only modest change to the interior, and the Society has no objections to this in principle. We wish however to register an objection to the proposal to re-instate the coal-hole for the purpose of beer delivery. This will create an obstruction to the pavement and the nearby pedestrian crossing and would pose a safety hazard. The building is also on a very busy road and the parking of a delivery vehicle at this point could potentially create gridlock in the town centre.

6.3 WYRE COUNCIL ENVIRONMENTAL HEALTH (AMENITY) - has no objections following the submission of a revised acoustic survey subject to conditions.

7.0 REPRESENTATIONS

7.1 One public letter of objection has been received with the points summarised as follows:

- The application could present a risk to public safety where people try to cross Market Place without using the designated pedestrian crossing;
- A railing is unlikely to be provided and the existing crossing is already dangerous.

7.2 An objection has also been received from Councillor Henderson raising concerns about the reinstatement of the coal chute for beer deliveries and impact on highway safety as well as the amenity impact on neighbours from the proposed mezzanine/outdoor area.

8.0 CONTACTS WITH APPLICANT/AGENT

8.1 Discussions have taken place between the applicant's agent and planning case officer. Following concerns about impacts on amenity and highway safety, the applicant's agent has submitted additional details and amendments to overcome the concerns.

9.0 ISSUES

9.1 The main planning issues are:

- Principle of development and Policy compliance
- Visual Impact / Design / Impact on heritage assets
- Impact on residential amenity
- Impact on highway / parking

Principle of development and Policy compliance

9.2 The site is located within the town centre / secondary shopping area boundary of Poulton-le-Fylde as defined on the proposals map to the adopted Wyre Local Plan. Policy TC7 of the adopted Wyre Local Plan supports A1 (retail), A2

(financial and professional services) and A3 (food and drink) uses subject to acceptable impacts.

9.3 The premises has a secondary frontage as defined in the emerging Wyre Local Plan which should be given significant weight in decision making. Policy EP4 of the draft Wyre Local Plan directs retail, leisure and other main town centre uses to the existing centres and encourages a diversity of uses to maximise vitality and viability of the centre. Policy EP5 of the emerging Wyre Local Plan supports changes of use that are appropriate in scale, role and function to the centre. Policy EP6 of the emerging Local Plan directs a minimum of 50% of the defined length of secondary frontage in the block to remain retail units (unless appropriate marketing is undertaken demonstrating lack of demand for a retail use); for any other uses to complement the secondary shopping function of the frontage and contribute to vitality and viability; and an active pedestrian level shopfront to be retained.

9.4 In terms of national policy, the 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.

9.5 The area surrounding this premises has a variety of uses including retail and various other non-retail uses catering for both the daytime and night time town centre economy. It is noted that the extant use as a bank does not contribute to the retail provision in the town centre area and therefore the first part of the emerging policy requiring 50% of the block to remain in retail use doesn't apply. It is also acknowledged that some permitted development rights are available for existing A2 uses which, subject to certain criteria and conditions, allow for changes to other non-retail uses. The proposed use would still contribute to the daytime economy and would not alter the frontage to reduce its vibrancy at ground floor level, given the mix of units in the vicinity, extant use and position in the secondary shopping area, the proposal would not have any significant impact on the viability or vitality of the town centre area. The use would complement the retail uses within the town centre and it is also noted that the application would bring back into use a currently vacant unit with some visual benefit.

9.5 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 / Impact on heritage assets

9.6 It is noted that the building lies within the Poulton-le-Fylde Conservation Area and the adjoining building, No.25-29 Market Place, is a Grade II Listed Building.

9.7 Poulton Historical Society acknowledge that the proposal has the merit of preserving this prominent building including the façade, which is a backdrop for neighbouring listed buildings; and given the limited changes internally and externally, the Society has no objections to this in principle. Objection is raised by the Society to the reinstatement of the coal chute for deliveries which would block the pavement and result in highway safety issues/congestion;

9.8 The principle of the proposed use has been covered earlier in this report. Following amendments to the scheme to overcome highway concerns, the coal chute to the front of the building would not be reinstated for delivery purposes. As such, no

changes are proposed to the front elevation. The roof of the existing single storey rear element would be converted for outdoor seating, with balustrading around its edge. This area would be accessed by a new external staircase. The other changes proposed to the rear include bricking up of the ground floor windows, 2m high timber fencing, two new first floor windows, a new extraction duct and a new air conditioning unit. Given the rear position adjacent to the car park, these alterations would not feature prominently in views from the public realm, and given the nature of the proposed works, they would have a minor impact on the appearance of the building. Furthermore, the removal of the existing large air conditioning units and replacement with a smaller unit set lower is considered to represent a positive alteration and overall, these works are considered to have an acceptable impact on the appearance of the building and not affect the character or setting of the Poulton Le Fylde Conservation Area. The rear element of the subject property is set further back than the rear wall of No.25-29 Market Place and the proposals, given the intervening distance and minor scale, are considered not to affect the setting of this adjacent listed building.

9.9 The proposed materials would have an acceptable appearance and in view of the aforementioned considerations, the proposed development is considered to preserve the appearance of the Poulton-le-Fylde Conservation Area in accordance with Sections 66 and 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 and guidance in the NPPF. The application would also accord with policies ENV9 of the adopted Wyre Local Plan and CDMP5 of the emerging Wyre Local Plan.

Impact on residential amenity

9.10 Saved Policy TC7 and Policy CDMP1 of the emerging Wyre Local Plan, which has significant weight, require that proposals are compatible with adjacent uses and do not have significant adverse effects on amenity. The main impact from the proposed use is likely to be noise and disturbance to any surrounding neighbours. No objections have been received from neighbours and it is noted that there are only a small number of flats and dwellings within the wider area likely to be affected. The premises is in close proximity to other established pubs/bars/restaurants within the town centre and in view of the location adjacent to a busy road, it is considered that there is a reasonable level of noise generating from existing sources in this area. It is also noted that although there are some residential properties in the immediate vicinity, including next door on the upper floors of 25-29 Market Place and to the south and south-east approx. 25-30 metres away, these are often above businesses and in a commercial area where an existing level of noise is experienced.

9.11 The Council's Environmental Health (Amenity) Team has commented on the application and, following submission of a revised noise impact assessment, no objections are raised subject to conditions. The conditions relate to the hours of use of the roof terrace area (until 22:00 hours), deliveries (between 07:00 - 22:00 hours only), installation of a noise limiter, installation of new close boarded timber fencing to fence off the external yard area, external plant specification, siting and fixing to the building, and no tipping of glass after 22:00 hours. Other conditions relating to no amplified or live music being played on the roof terrace area, obscure glazing of the two new first floor windows and a restriction on occupancy of the first floor flat to be used in association with the proposed public house / restaurant i.e. by a manager or staff member are also considered necessary. As such, subject to suitably worded conditions, it is deemed that there would be no significant detrimental impact on amenity through noise or disturbance. The roof terrace, given its position would not allow for any overlooking of residential properties and overall, the application would

accord with Policy SP14 and TC7 of the adopted Wyre Local Plan and Policy CDMP1 of the emerging Wyre Local Plan.

Impact on highway / parking

9.12 Lancashire County Council Highways provided an initial response raising concerns about the reinstatement of the coal chute for deliveries. This arrangement has been removed from the proposals with deliveries to be made at the rear of the building. A letter has been submitted from the director of the company who have the freehold of the car park confirming the company has reached an in-principle agreement with the applicant to enable servicing to take place at the rear of the property and subject to gaining planning permission would enter into a suitable arrangement to secure this. Whilst right of access across private land is a private matter there is no indication at this stage that restricting deliveries to the rear, to be controlled by a condition, could not be achieved. There is a public car park close to the site and the premises are readily accessible via walking and public transport given the town centre position. The proposed use is unlikely to generate any significant increase in vehicle movements compared to the former use. It is noted that Lancashire County Council has confirmed that there is no objection to this proposal on the basis that it would not have any significant impact on highway safety, capacity or amenity in the immediate vicinity of the site. In view of the above, the application is considered to have an acceptable impact on highway safety.

10.0 CONCLUSION

10.1 The principle of development is considered acceptable given the town centre location. The application would not have any detrimental impacts on the appearance of the existing property, would not affect the setting of the adjacent listed building and would have an acceptable impact on the character of the Poulton-le-Fylde Conservation Area. Subject to a number of conditions there would be no detrimental impacts on residential amenity or highway safety and there are no other relevant material planning considerations that indicate planning permission should not be granted. The proposal is deemed to comply with the relevant policies in the adopted and emerging Wyre Local Plans and guidance contained in the NPPF. It is therefore recommended that the application be permitted subject to conditions.

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 15th May 2018 including the following plans/documents:

- Location Plan (received 23rd October 2018)
- Existing and Proposed Elevations Rev C
- Proposed Floor Plans Rev F
- Block Plan Rev B

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 using those materials specified on the approved plans and application form.

Reason: To safeguard the visual amenities of the locality and in accordance with Policy SP14 of the Adopted Wyre Borough Local Plan (July 1999).

4. The premises shall be used for food and drink and for no other purpose (including any other purpose in Class A3 of the Schedule to the Town and Country Planning (Use Classes) Order 1987, (or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order with or without modification)

Reason: The use of the premises for any other purpose would require further consideration by the Local Planning Authority in accordance with Policy SP14 of the adopted Wyre Borough Local Plan (July 1999).

5. All deliveries to the premises shall be to the rear entrance only using the servicing arrangements as shown on the approved layout plan. No deliveries shall be received via the front of the premises.

Reason: In the interests of highways and pedestrian safety and in accordance with saved policy SP14 of the Adopted Wyre Local Plan.

6. Prior to first use of the development hereby approved, the noise mitigation measures and recommendations set out in Chapter 5 of the Acoustic Survey by Braiden Acoustics Ltd (Report No.10624 Rev C) shall be implemented. The development shall be carried out in accordance with these measures and recommendations in perpetuity.

Reason: To ensure there is no adverse effect on the health and quality of life of future occupants and to avoid an unacceptable impact on residential amenity by virtue of noise in accordance with Policy SP14 of the Adopted Wyre Borough Local Plan (July 1999) and the National Planning Policy Framework.

7. The use of the external roof terrace area as shown on the approved floor plan shall only operate between the hours of 09:00 to 22:00 Monday to Sunday including bank and public holidays.

Reason: To avoid an unacceptable impact on residential amenity by virtue of noise in accordance with Policy SP14 of the Adopted Wyre Borough Local Plan (July 1999) and the National Planning Policy Framework.

8. Music (whether live / amplified), shall not be played at any time within the external areas of the premises including the first floor roof terrace area.

Reason: To avoid an unacceptable impact on residential amenity by virtue of noise in accordance with Policy SP14 of the Adopted Wyre Borough Local Plan (July 1999) and the National Planning Policy Framework.

9. There shall not be any emptying of bins (including bottle bins) or deliveries to the premises between the hours of 22.00 and 09:00 on any given day.

Reason: To avoid an unacceptable impact on residential amenity by virtue of noise in accordance with Policy SP14 of the Adopted Wyre Borough Local Plan (July 1999) and the National Planning Policy Framework.

10. Prior to a sound system being installed at the premises, a sound limiter device capable of controlling the level of sound emitted shall be installed so amplified music does not exceed a level of 89 dB (A) as set out within the Acoustic Survey ref: 10624 Rev C Dated 15 Aug 2018 submitted with the planning application. Any live or amplified sound played through the sound system shall be routed through the limiter at all times in accordance with the approved specifications / noise levels.

Reason: To avoid an unacceptable impact on residential amenity by virtue of noise in accordance with Policy SP14 of the Adopted Wyre Borough Local Plan (July 1999) and the National Planning Policy Framework.

11. The flat accommodation at first floor level in the development hereby approved shall be occupied solely by a staff member only and shall remain ancillary to the use of the building as a public house and shall not be used as a separate and unconnected dwelling.

Reason: Use or conversion to a separate dwelling would result in noise and amenity impacts and may impact on highway safety.

12. Prior to first use of the development hereby approved, the 2m high timber fence shall be installed in the position as shown on the approved floor plan. The boundary treatment shall thereafter be retained in accordance with the approved details.

Reason: In the interests of the appearance of the locality in accordance with Policy SP14 of the Adopted Wyre Borough Local Plan (July 1999).

13. Prior to the first use of the development hereby approved, obscured glazing shall be installed in the 2no windows at first floor level in the east facing side elevation serving the bathroom and lounge at a scale of 5 (where 1 is hardly obscured and 5 is totally obscured) and maintained and retained thereafter. Any subsequent repaired or replacement glazing shall be fitted with obscure glass to the same level of obscurity.

Reason: To safeguard the privacy of adjoining residents and in accordance with Policy SP14 of the Adopted Wyre Borough Local Plan (July 1999).

14. The premises shall not be open to the public between the hours of:

- 01:00 to 10:00 on Fridays, Saturdays, Bank and Public Holidays, and the day immediately prior to a Bank or Public Holiday
- 00:00 to 10.00 on Sundays to Thursdays

Reason: In the interests of the amenity of occupiers of neighbouring and nearby residential properties in accordance with Policy SP14 of the adopted Wyre Borough Local Plan (July 1999).