

Committee Report**Date: 04.12.2019**

Item Number	04
Application Number	19/00715/FUL
Proposal	Variation of condition 03 on application 18/00893/FUL (Change of use of cafe to drinking establishment (A4)) to extend opening hours Monday - Friday 08:00-23:00, Saturday 08:00 - 23:00, Sunday 08:00-23:00 and Bank Holidays 08:00-23:00
Location	Unit 1 Drovers Mews Park Hill Road Garstang Preston Lancashire PR3 1HF
Applicant	Miss Alison Holmes
Correspondence Address	c/o Graham Anthony Associates FAO Avnish Panchal 2 Croston Villa High Street Garstang PR3 1EA
Recommendation	Permit

REPORT OF THE HEAD OF PLANNING SERVICES**CASE OFFICER - Miss Lucy Lowcock****1.0 INTRODUCTION**

1.1 This application is brought to Planning Committee for a decision at the request of Councillor Lady Atkins.

2.0 SITE DESCRIPTION AND LOCATION

2.1 The application site is a drinking establishment (A4 use class) situated on the ground floor in the block of units known as Drovers Mews in the Town Centre of Garstang on Park Hill Road. Adjacent to the application site is a beauty salon. There are residential units above and to the rear. The site is in Flood Zone 1. There is a pub (The Wheatsheaf) beyond the northern side of the site, which is a Listed Building.

2.2 The premises has a shop front and door facing the front.

3.0 THE PROPOSAL

3.1 Planning permission was granted under planning application 18/00893/FUL for the change the use of a Café (A3 use) to a drinking establishment (A4 use). This use class can include public houses, wine bars or other drinking establishments. Condition 3 on that permission restricts the operation and opening hours to 8am to 10pm every day. This current application is to vary these hours through a variation of the condition. It is proposed that the operation/opening hours be varied to 8am to 11pm every day. Therefore, an additional hour in the evening over what is currently authorised.

4.0 RELEVANT PLANNING HISTORY

4.1 App. No: 18/00893/FUL

Change of use of cafe to drinking establishment (A4) (resubmission of 18/00620/FUL) retrospective) - Approved

4.2 App. No: 18/00620/FUL

Change of use of cafe to drinking establishment (A4) - Approved

4.3 App. No: 08/01006/FULMAJ

Demolition of existing buildings and erection of 14 apartments and 2 retail/office units (A1, A2, A3, B1) - Approved

5.0 PLANNING POLICY

5.1 ADOPTED WYRE BOROUGH LOCAL PLAN

5.1.1 The Wyre Local Plan 2011-2031 (WLP31) was adopted on 28 February 2019 and forms the development plan for Wyre. 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 WLP 2031 are of most relevance:

- CDMP1 Environmental protection
- CDMP3 Design
- CDMP5: Historic Environment
- EP4 Town, District and Local centres
- EP5 Main Town centre uses

5.2 NATIONAL PLANNING POLICY FRAMEWORK 2019

5.2.1 The revised National Planning Policy Framework (NPPF) was published by the Government on the 19th February 2019. 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 2019 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 6. Building a strong, competitive economy
- Section 7. Ensuring the vitality of town centres
- Section 12. Achieving well designed places
- Section 15. Conserving and enhancing the natural environment

6.0 CONSULTATION RESPONSES

6.1 GARSTANG TOWN COUNCIL – support the application, but on Sundays ask that the closing time be 10pm rather than 11pm.

6.2 LANCASHIRE CONSTYABULARY (LICENCING) – no comments received

6.3 WBC HEAD OF ENVIRONMENTAL HEALTH AND COMMUNITY SAFETY (AMENITY) - based on the submitted noise assessment submitted with the application has no objections. No objections to revised noise assessment submitted 11/11/19.

7.0 REPRESENTATIONS

7.1 One letter of support received

8.0 CONTACTS WITH APPLICANT/AGENT

8.1 Revised noise assessment 11/11/19

8.2 Submitted noise assessment 22/10/19

9.0 ISSUES

9.1 The main issues in this application are as follows:

- Principle of development
- visual Impact / Design / Impact on the street scene
- Impact on the residential amenity
- Impact on Highway Safety / Parking

Principle of development

9.2 The variation to the operating hours would not impact on the principle of the development, which was approved under application no. 18/00893/FUL.

Visual Impact / Design / Impact on the street scene

9.3 No external alterations are proposed, therefore there would be no visual impacts.

Impact on the residential Amenity

9.4 Light/overlooking – there would not be any external alterations, therefore no impacts with regard to these matters.

9.5 Noise/disturbance – the site is in the Town Centre of Garstang, where there is a range of uses including those supporting an evening economy with eating and drinking establishments. The Wheatsheaf Inn is to the north of the application site. Due to the length of time a pub has been in situ here there are no planning conditions restricting the hours of opening. There are residential units above the application site on the first-floor of the building, to the rear, and in the wider area. There is already considered to be the potential for Town Centre activity in the area in the evening. The Council's Environmental Health department have been consulted on the application and requested a noise assessment. This has been provided by the applicant and on

the basis of this, the environmental health officer has no objections to the additional hour of operation in the evening until 11pm. Based on this professional advice it is not considered that there would be a noise nuisance from the bar if it is authorised through planning to be open until 11pm. The conditions attached to the original planning permission would have to be repeated on any planning permission granted. These relate to delivery times and amplified outdoor sound. With these conditions, it is not considered that there would be unacceptable levels of noise and disturbance to neighbouring residential properties.

Impact on Highway / Parking

9.6 The variation to the hours of operation would not have any highways impacts.

Other matters

9.7 The proposal would not have any impacts with regard to flooding, drainage, ecology, trees or contamination.

10.0 CONCLUSION

10.1 The variation of the hours of operation, so that the drinking establishment would be able to operate and be open to customers until 11pm rather than 10pm has been assessed to be not harmful to neighbouring amenity through noise and disturbance. All other relevant material planning considerations have been assessed to be acceptable. The proposal is therefore considered to comply with the NPPF and the above mentioned Adopted Local Plan Policies.

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 planning permission subject to conditions.

Recommendation: Permit

Conditions: -

1. 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 11 July 2019 including the following plans/documents:

- Existing and proposed plans
- Site location plan

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.

2. The premises shall not operate or be open to the public outside the hours of:

- Monday-Friday 08.00am-11.00pm
- Saturday 08.00am- 11.00pm
- Sunday 08.00am-11.00pm
- Bank Holidays 08.00am- 11.00pm

Reason: In the interests of the amenity of occupiers of neighbouring and nearby residential properties in accordance with Policy CDMP1 of the Adopted Wyre Local Plan.

3. Deliveries or collections of goods to or from the proposed development shall not take place outside the following hours:

- Monday-Friday 9.00am-9.00pm
- Saturday 9.00am- 9.00pm
- Sunday No deliveries
- Bank Holidays No deliveries

Reason: In the interests of the amenity of occupiers of neighbouring and nearby residential properties in accordance with Policy CDMP1 of the Adopted Wyre Local Plan.

4. No amplified recorded or live music shall be played at any time in the outside area(s) of the application site as defined by the red edge on the approved site location plan.

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

Notes: -

1. This permission does not relate to the display of any advertisements which may require consent under the Town and Country Planning (Control of Advertisements) Regulations 1989.

2. Any extraction to the premises may require planning permission, which would be required to be obtained separately.