

Application Recommended for Approval
Gawthorpe Ward

APP/2017/0412

Full Planning Application
Change of use from shop (A1) to Micropub (A4)
9 BURNLEY ROAD, PADIHAM

Background:

The property is a vacant shop and is located in the middle of a row of commercial premises on the main road which goes through Padiham town centre.

An objection has been received.

Relevant Policies:

Burnley Local Plan Second Review

CF13 - Restaurants, cafes, public houses and hot food take-aways
E12 - Development in or adjacent to Conservation Areas
E15 - Locally important buildings, features and artefacts
GP1 - Development within the Urban Boundary
GP5 - Access for All
PTC1 - Central Area of Padiham Town Centre
PTC3 - Church Street/Burnley Road
PTC6 - Gateways and Throughroutes
SP5 – Development Quality and Sustainability
TM15 - Car parking standards

Proposed submission Local Plan (emerging Local Plan)

HE1 – Identifying and Protecting Burnley's Historic Environment
HE3 – Non-Designated Heritage Assets
IC3 – Car Parking Standards
TC2 – Development within Burnley and Padiham Town Centres

National Planning Policy Framework (NPPF)

Site History:

None.

Consultation Responses:

Highway Authority - With regard to the application to change a shop to a micro pub. As there is limited waiting and a takeaway food outlet in the area, this change of use of a town centre shop would not raise Highway concerns and therefore I would not raise objections on highway grounds.

Environmental Health – Have no objections subject to conditions in respect of limiting construction times, noise/ limiting music etc., to inside the premises and the submission of a scheme for storage of waste.

Should food service be included at any stage in the future, then details of extraction / ventilation will be required.

Lancashire Constabulary (re: Crime Impact) – recommend various security measures (for e.g. CCTV) in order to mitigate the risk of crime or anti-social behaviour affecting customers, staff and the local community (will be added as advisory notes).

Neighbouring resident– Objects to the proposals - concerned about possible nuisance from smell, noise and smoke (if people are allowed to smoke outside in the back yard); already have smells form the chip shop on Moore Lane and the Indian take away (Hawali) on Burnley Road and noise from the Public Houses i.e. Starkie Arms and Kings Arms. Also have Bargain Booze nearby which lowers the tone of the area, especially with a name like that. It is a residential area and a Conservation Area. We don't need any more of that type of establishment.

Planning and Environmental Considerations:

The vacant shop (was previously an art shop) is located in a row of commercial premises on the main road which goes through Padiham town centre; the terrace is 3 storeys with cellars. There is a mix of uses in the terrace; retail, a take-away, hairdressers/ beauty salon; with residential flats above (the majority of the entrances are accessed at the rear of the properties).

The property is Locally Listed and is located within the Padiham Conservation Area.

The proposal involves the change of use of the shop to a real ale Micro-pub with proposed opening hours of 11.30am until 12.30am, 7 days a week; the applicant states that on most days they will close at around 9pm and will only open later when there is a special event. The applicant has an existing Micro-pub in Colne and wishes to open another in Padiham.

The main considerations are residential amenity, vitality and viability, highway issues and whether there would be any detrimental effect on the character and appearance of the Conservation Area.

Policies and assessment

The application site is within the Padiham Conservation Area, where **policy E12** requires development to preserve the area's character and appearance. The character of the area is one of a mix of commercial, service, cultural, leisure and residential uses. The proposal compliments this pattern, and as no external alterations are proposed, the appearance of the area would not be harmed.

Policy GP1 requires that the proposal makes efficient use of buildings, minimising travel needs, without detriment to road infrastructure and with good access. The proposal meets these requirements by its location and its use of a vacant building.

Policy CF13 sets criteria for location of public houses. Relevant in this case are:

- Town centre location and accessible by public transport (achieved by its location);
- Without detriment to traffic free-flow (the Highway Authority have no objections to the proposals);

- Measures to reduce noise (this can be the subject of a condition).



9 Burnley Road, Padiham



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Policy PTC1 identifies this area as a quarter of Padiham Town Centre where drinking establishments are appropriate, being one facet of the cultural / leisure activities. The micro-pub would complement existing cultural/ leisure activities within Padiham Town Centre.

Policy PTC3 supports the enhancement of leisure developments in the Church Street/ Burnley Road area of Padiham Town Centre, and sets criteria (satisfied by this proposal) for acceptability of development.

Policies PTC1 and **PTC3** state that food and drink uses will be permitted where the development of such use would not lead to more than 15% of the frontage and do not lead to an unattractive and dead shopping frontage.

Taking the Burnley Road frontage (nos. 1 to 13) and the Central Buildings frontage together the current uses have a total of approx. 14.6% within food and drink uses and if 9 Burnley Road is changed to fall within the food and drink type use then this would bring it to 22.6%. Taking the Burnley Road frontage on its own the existing uses which fall within the food and drink category together with the 9 Burnley Road would constitute 15.3% of the frontage.

With regard to opening hours and dead shopping frontages, the application details state that the proposed opening hours would be 11.30 am until 12.30 am 7 days a week. The applicant has stated that it is intended to open from 4pm until 9pm during the week and Sundays and from lunchtime until later on Saturdays excepting when they have special events and would open longer. If the business goes well they would extend the opening hours further.

There is concern with regard to a dead shopping frontage during the day; the applicant has stated that they would have an attractive window display and stated that the adjacent take-away only opens from 5pm and the firework shop has limited opening with shutters down when closed.

Consideration needs to be given to whether on balance it is better to have limited daytime opening hours rather than a vacant shop.

Policy TC2 (which presently has limited weight) of the emerging Local Plan states that proposals for retail uses within the Use Classes A2-A5 and other main town centre uses will be supported within Padiham Town Centre.

The **NPPF** sets a requirement to plan positively to encourage economic activity in town centres to help ensure their vitality; and, sets a presumption in favour of sustainable development.

Other matters

There are concerns in respect of noise emanating from inside and outside the premises from music etc. and also from people smoking outside, in particular within the back yard.

The no smoking rule applies to most public premises and, in town centres throughout the country. A neighbour whose residential property backs on to the applicants premises is concerned that people visiting the Micro-pub will be allowed to smoke within the back yard area of the premises. A condition can be attached in respect of prohibiting smoking at the rear of the premises; however the Council would have no control over smoking on the highway at the front of the micro-pub.

Any concern about smell associated with brewing can be avoided by a condition to ensure that activity is excluded from the proposed use of the premises (the applicant does not intend to brew alcohol on the premises).

Conditions are recommended in respect of noise and sound insulation; Impact from normal conversational noise can be mitigated by sound insulation (the applicant states that some sound proofing has already been carried out by previous occupiers); in respect of music and entertainment a condition needs to be included if approved to limit music to inside the premises.

The Highway Authority have stated that they have no objections on highway grounds.

No external alterations are proposed therefore there would be no adverse effect on the Conservation Area or the locally listed terrace in terms of character and appearance.

Conclusion

The proposed development is generally in accordance with the development plan and ought to be determined favourably on that basis.

There are a number of vacant shops within the Padiham town centre. Although the premises may not be open during the full daytime hours, on balance it is considered that it would be more beneficial to have the property in use some of the time with a shop window display rather than have a vacant shop premises.

The proposal is of a modest, orderly scale that appears much more likely to complement and add beneficially to the mix of uses in the area, than to be in conflict.

A successful town centre needs vitality to make it economically and socially attractive. It is essential to encourage enterprising uses of initiative and to avoid vacant premises in principal locations.

Recommendation:

Grant subject to the following conditions:

Conditions:

1. The development must be begun within three years of the date of this decision.
2. The development hereby permitted shall be carried out in accordance with the following approved plans: Drawing Nos: 01, 02, 03, and 04 received 22 Aug 17
3. For the avoidance of doubt, no brewing or other manufacture of drinks shall be carried out on the premises.
4. No music, singing or other forms of live entertainment shall be permitted outside the host premises nor shall any equipment for the reproduction of music and/or other sound be installed on the outside of the premises.

5. Prior to the commencement of the use hereby approved, a scheme for the storage and regular disposal of waste matter from the site shall be approved in writing with the Local Planning Authority and thereafter the approved scheme shall be implemented at all times.
6. The use hereby approved shall not begin until an assessment has been submitted for written approval to the Local Planning Authority which details the potential for noise emanating as a result of the use of the development, and mitigation measures (if required) to protect the amenity of occupiers of nearby noise sensitive properties. Proposed hours of operation shall be included within the assessment. Any approved noise mitigation measures shall be implemented prior to the start of the proposed use and retained thereafter.
7. There shall be no smoking allowed outside the rear of the premises.
8. The use hereby approved shall not operate outside the hours of 09.00 and 23.00hrs Monday to Thursday, 09.00 and 00.30hrs Fridays and Saturdays and between 11.00 and 23.00hrs on Sundays.

Reasons:

1. Required to be imposed by Section 91 of the Town and Country Planning Act 1990, as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.
2. To ensure the development is implemented in accordance with the approved plans and to avoid ambiguity.
3. To avoid adverse impact of smell and odours on the adjacent occupiers in accordance with policies CF13 and GP1 of the Burnley Local Plan Second Review.
4. To ensure that no disturbance is caused to the neighbouring occupiers of residential property in accordance with policies CF13 and GP1 of the Burnley Local Plan Second Review.
5. In the interests of residential amenity in accordance with policy CF13 of the Burnley Local Plan Second Review.
6. To protect the amenities of the occupiers of nearby/ attached properties in accordance with policies CF13 and GP1 of the Burnley Local Plan Second Review.
7. In the interests of residential amenity in accordance with policies CF13 and GP1 of the Burnley Local Plan Second Review.
8. To protect the amenities of nearby/attached residential properties in accordance with policies CF13 and GP1 of the Burnley Local Plan Second Review.

