

Application No: 14/2746C

Location: 18, LAWTON STREET, CONGLETON, CW12 1RP

Proposal: Change of use from shop with first floor flat to bar with ancillary staff accommodation

Applicant: Dv8 Bar Limited

Expiry Date: 28-Jul-2014

### **SUMMARY RECOMMENDATION**

Approve with conditions

### **MAIN ISSUES**

- Impact upon amenity of neighbouring properties
- Impact upon the character of the area

### **REASON FOR REPORT**

Councillor Baxendale has called in the application due to the concerns of a local resident in that the proposal would be a noise nuisance in the road and would be an inappropriate use of the shop in a Conservation Area.

### **DESCRIPTION OF SITE AND CONTEXT**

The application site comprises a two-storey terrace situated on the north side of Lawton Street. The building is currently in A1 use at ground floor, with residential use at first floor, but is presently vacant. Mixed town centre A1, A2, A3, A4 and A5 uses proliferate Lawton Street but some residential uses are present within the street. The site is within a Conservation Area.

### **DETAILS OF PROPOSAL**

This application seeks full planning permission to change the use of the building to an A4 use classification (pub/bar) with ancillary staff accommodation. There are internal changes proposed to the building to facilitate the bar use at ground floor and staff areas at first floor. The proposed hours of opening have not been specified in the application.

### **HISTORY**

1681/3 – Extension – Approved 29/08/75

### **POLICIES**

## **Local Plan Policy**

GR1 (New Development)  
GR2 (Design)  
GR6 (Amenity and Health)  
BH8, BH9 (Conservation Areas)  
BH12 (Area of Archaeological Potential)  
PS4 (Towns)  
S5 (Town Centre Shopping Areas)

## **Other Material Considerations**

National Planning Policy Framework

## **CONSULTEES**

**Environmental Health** - Noise sensitive premises are located on Lawton Street in close proximity to the proposed development. However, Lawton Street has existing drinking and eating establishments located in close proximity to the proposed A4 change of use:

Prince of Wales / Phoenix Tap, 4-6 Lawton St

Young Pretender, 30-34 Lawton Street

The Bear Town Clock, 80 Lawton Street

Amplified music and behavioural noise complaints have been received in the past; however, there are no current noise complaints concerning licensed premises, as changes have been made to amplified music equipment and improvements to management procedures have been implemented.

Due to the potential for noise disturbance to local residents, the development should be subject to similar hours of use as other drinking establishments on Lawton Street, therefore, the following hours of operation are recommended:

**Monday to Thursday 11:00 - 00:00**

**Friday and Saturday 11:00 - 01:00**

**Sunday 12:00 - 00:00**

An additional condition that double glazing to be installed in the front window and ensure the double door system is also installed as per the lobby detailed on the submitted plan drawing no. 2014 -1973 -04.

In addition to Planning Permission, the proposed establishment will require a Premises Licence prior to trading. This Directorate is a statutory consultee and will be consulted accordingly during the licensing application process.

**Town Council** – No objections

## **OTHER REPRESENTATIONS**

Two letters of objection have been received from residents of Lawton Street stating that there are enough licensed premises in the area and family housing is nearby with children. The noise pollution would be unacceptable in a residential area; there are a minimum of 25

residential homes on Lawton street. There would be noise not just from the constant out flow of noise/music from within the bar. Previously there was an issue at other premises and that noise was a further 30/40 metres away [ but due to noise regulations being brought into place this noise nuisance has now stopped] Taxis coming and going will also create disturbance as would alcohol induced anti social activity creating negative amenity issues on the street. Parking on the street for residents will be affected negatively. Car users will park as they visit the bar, so using up car parking facilities for residents. It would change the character of the Conservation Area from retail traders to a night time economy.

## **OFFICER APPRAISAL**

### **Principle of Development**

The application site is situated within the Town Centre boundary, where the principle of the development is acceptable, subject to compliance with Local Plan policies GR1 (New Development), GR2 (Design), GR6 (Amenity and Health) These policies seek to ensure, amongst other things, that proposals are appropriate in design terms; and have an acceptable impact on neighbouring amenity. The proposals are within a Conservation Area and should therefore comply with policies BH8 and BH9. The proposals should also comply with policy S5 that states, and pertinent to this case, that a proposed use should not detract from the overall town centre function of the area and should not detrimentally impact on the amenity of adjacent properties.

### **Design / character**

The immediate area is of mixed use but characterised primarily by A1 to A5 uses in buildings of traditional and period design. There are no external alterations proposed in the drawings and the use of the building as a bar is compatible with a town centre location. It is therefore considered that the proposal will not have a significant impact upon the character of the area, in accordance with policy GR2 (Design). The Heritage & Design Officer has confirmed that the property lies within the Moody Street Conservation Area as such there is the need to preserve or enhance the character or appearance of the area as stated in the NPPF. The proposal for change of use from shop with first floor flat to bar with ancillary staff accommodation would be acceptable with the character and appearance of the Conservation Area with the condition attached that it is carried out in accordance with the submitted information.

### **Amenity**

The proposal is within a town centre location and therefore, notwithstanding nearby residential accommodation, in that context, the proposal complies with Local Plan policy GR6 (Amenity and Health). The concerns of some local residents are noted and this has been carefully considered in the assessment of the application. However, it is not unusual for such mixed uses to co-exist in a town centre location and in that regard, residential properties within town centre locations are likely to experience a greater amount of noise and disturbance, including in the evening, than those located in residential areas. Notwithstanding this, changes of use to pubs/bars and other uses that operate in the evening need to be assessed so as to ensure that the resulting level of noise/disturbance is commensurate with the area and does not result in an unacceptable adverse impact on residential amenity. In this case, the application site is located between two existing retail premises, with the nearest

residential property appearing to be some 30m away on the opposite side of Lawton Street. Having regard to this, the proposed opening hour's condition, and the noise insulation afforded by double glazing and a double door entry system, it is not considered that the proposed change of use would have an unacceptable impact on the amenity of any nearby residents.

## **CONCLUSIONS AND REASON(S) FOR THE DECISION**

For the reasons outlined within the report, the proposed change of use is considered to be acceptable. The principle of the use is acceptable as the site is located within the town centre, on a street which is characterised by a mix of uses. No external changes are proposed to the building and therefore the impact on the character and appearance of the Conservation Area is acceptable. Whilst the points raised in objection have been carefully considered, subject to appropriate conditions it is not considered that the proposal will result in an adverse impact on the amenity of nearby residential occupiers. The proposal complies with the policies of the Congleton Local Plan and the NPPF and is therefore acceptable.

In order to give proper effect to the Committee's intentions and without changing the substance of the decision, authority is delegated to the Planning and Enforcement Manager, in consultation with the Chairman (or in his absence the Vice Chair) of Northern Planning Committee to correct any technical slip or omission in the wording of the resolution, between approval of the minutes and issue of the decision notice.

Application for Full Planning

**RECOMMENDATION:** Approve subject to following conditions

1. A03FP - Commencement of development (3 years)
2. A06EX - Materials as application
3. A01AP - Development in accord with approved plans
4. A13GR - Business hours (including Sundays)

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