



Appeal Decision

Site visit made on 11 April 2019

by David Storrie DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 25 July 2019

Appeal Ref: APP/F2360/W/19/3220420

2-4 Spinners Square, Bamber Bridge PR5 6EQ

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mr Lee Forshaw against the decision of South Ribble Borough Council.
 - The application Ref 07/2018/3514/FUL, dated 25 May 2018, was refused by notice dated 19 July 2018.
 - The development proposed is the change of use from A1 (shop) to A4 (drinking establishment), single storey side extension and decking with fencing to front and side.
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Decision

1. The appeal is dismissed.

Preliminary matter

2. I have taken the description of the application from the decision notice as this more succinctly describes the development proposed and considered by the Council. The description of development on the planning application form included reference to illuminated signage. This would be dealt with by way of advertisement consent, not by way of a planning application. I have therefore removed it from the description.
3. I have, for completeness, used the appellant's full name which is set out on the appeal form in my decision.
4. Since the planning application was determined by the Council, the appellant submitted a secondary Noise Report dated the 3 October 2018. The purpose of the report was to seek to address the Council's concerns in respect of an initial Noise Report that accompanied the planning application. I have limited information from the parties on who this report was sent to and what consultation, if any, was carried out. I note the content of the report and comment further on it in my consideration of the first main issue.

Main Issues

5. The main issues in this appeal are, firstly, the effect of the proposed development on the living conditions of occupiers of neighbouring properties having particular regard to noise, and secondly, the effect of the proposed external changes to the character and appearance of the area.

Reasons

Living conditions

6. The appeal property is a part two/part single storey building that faces Station Road but is attached at right angles to a small row of terraced dwellings. An area of hardstanding is in front of the property facing Station Road. At the time of my site visit the property was vacant but had previously been used as a fishing tackle shop (A1 Use Class retail). To the south of the site is a terrace of properties that are in residential and commercial use with the immediately adjacent property, 389 Station Road being in residential use.
7. To the immediate north of the site is a commercial use (Bargain Booze) that faces Station Road. Whilst there are a number of commercial uses evident in the locality, the predominant use, that forms the character of the area, is residential.
8. The appeal scheme proposes two areas of decking; one to the front of the premises facing Station Road (denoted as decking B), with the other to the side (south elevation) (decking A). The appellant has suggested that use of decking area A would be limited to no later than 22:30 but no time use restriction has been offered in respect of decking B that would function as a smoking area.
9. An *airborne noise insulation report* accompanied the proposal and focused on matters relating to insulation between the proposed use and the internal boundary wall with the adjacent house at No.6 Spinners Square. The report identified deficiencies with insulation such that noise levels generated by the proposed use could be such that they would give rise to nuisance to occupiers of No.6. Whilst the appellant says that the appeal premises will be used as a micro pub rather than a music entertainment venue, given the scale and confined nature of the proposed development, noise from customers talking is likely to be an issue for the occupiers of No.6.
10. Whilst the report advises mitigation to try and deal with this issue, it acknowledges "*that some noise may still be audible if the conditions in the adjacent house are very quiet.*" The report focused on internal noise transmission through a party wall however, the activities associated with the site would not be contained to the inside of the premises. The proposed side extension would create a beer store adjacent to the side boundary with No.6 where there is potential for some noise associated with the movement of bottles. The proposed decking would also provide an opportunity for customers to be outside at the side and rear of the premises close to residential premises.
11. No assessment of noise associated with these external areas was submitted with the planning application. However, as I have identified in the Preliminary Matters above, a further Noise Report was submitted in October 2018 in support of a Licence application for the premises. I am informed that a Licence was subsequently granted. The October 2018 Noise Report dealt with external noise from the proposed decking area and beer store and recommended a porch style structure over doors and at the rear of decking area A to further mitigate noise break out from activities on the decking. No such details of such a porch style roof are before me. I have considered the possibility of conditioning the submission of details of the suggested structures but I am of the opinion that these details should be properly assessed by the Council as to whether they would overcome their noise concerns and the visual impact of

any such structures. I also consider that occupiers of the neighbouring properties should be consulted on these details. Given this, I consider that conditioning such details would not be appropriate.

12. Given the juxtaposition of the site to residential uses at Nos. 6 and 8 and 389, and, in the absence of clear evidence that the solutions suggested in the October 2018 Noise Report overcome my findings on this issue, I am concerned that use of the proposed decking areas would give rise to an adverse impact on the living conditions of the occupiers of these properties by way of noise. Evidence submitted by the appellant in the October 2018 Noise Reports suggests a capacity of 10/12 people on the combined decking areas. This figure seems somewhat low to me given the size of the external decking being greater than the internal area of the premises where an internal capacity of 40 patrons was identified by the appellant in their July Licensing application. Given this, I consider the capacity of the decking to be greater than the 10/12 suggested. Whilst the appellant says decking A would restrict use after 22:30, decking B would still operate and the harm that I have identified would not be mitigated by such a restriction.
13. Consequently, I conclude on this issue that the proposed development would conflict with Policies B1(c) and G17(a) of the South Ribble Local Plan (July 2015) (Local Plan) and Policy 17 (c and d) of the Central Lancashire Core Strategy (July 2012) which, amongst other things, seek to ensure that new development does not adversely affect the amenity of nearby residents.

Character and appearance

14. As I have identified above, whilst there are a number of commercial uses in the locality of the appeal site, the character of the immediate area, fronting Station Road, is very much residential, and this is reflected in the scale and design of the buildings and their boundaries. The design, scale and form of the proposed decking would be completely at odds with this character and introduce a feature that would appear incongruous where existing neighbouring residential properties abut the footpath or have small dwarf walls.
15. The site lies outside the identified commercial centre of Bamber Bridge. The appellant drew my attention to decking at the Withy Arms, further down Station Road. I viewed this on my site visit. The Withy Arms is a substantial property compared to the appeal proposal, occupying a corner site at the junction with Station Road and Browndedge Lane. The decking at the Withy Arms covers a much larger area than the appeal proposal. Properties fronting Station Road are predominantly commercial and whilst the decking fronting Browndedge Lane adjoins a residential property there is a building and an access road separating the decking and the flank wall of the residential property. It is not directly comparable to the appeal site. Moreover, even if the fencing used is broadly comparable to the proposal, I consider that the proposed fencing, based on its individual planning merits, would be unsympathetic to the character and form of the boundary treatment of properties near to the appeal site. This adds weight to my findings on this main issue.
16. Consequently, I conclude, on this issue, that the proposed development would conflict with Local Plan Policy G17 a and b that seek to ensure that new development does not have a detrimental impact on the character of an area and is of high quality that provides an interesting visual environment which respects the character of the site and local area.

Other matters

17. The appellant's investment in the area in other projects, along with their experience of operating licensed premises, is noted along with details of how the use would be managed to minimise any issues likely to arise from patrons. Whilst all this is laudable, for the reasons set out above, I am not satisfied that this would mitigate the concerns I have identified.
18. The fact that a License has been granted has no bearing on my consideration of the appeal that I must judge on its planning merits.

Conclusion

19. For the above reasons, I conclude that the appeal is dismissed.

David Storrie

INSPECTOR