



Appeal Decision

Site visit made on 12 March 2025

by R Gravett BA(Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 2nd April 2025

Appeal Ref: APP/F2360/W/24/3350567

16 Watkin Lane, Lostock Hall, Lancashire PR5 5RD

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant planning permission.
 - The appeal is made by Mr Asif Abbas against the decision of South Ribble Borough Council.
 - The application Ref is 07/2023/01062/FUL.
 - The development proposed is Change of Use for Hot food Takeaway and installation of external extractor flue. Use Class: Sui Generis.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The description of development in the banner heading above has been taken from the planning application form, but I have corrected the typographical error which referred to 'foot' rather than 'food.'

Main Issue

3. The main issue is the effect of the proposed development on the living conditions of the occupiers of nearby residential properties, with particular regard to noise and activity.

Reasons

4. No 16 Watkin Lane (No 16) forms the end of a short, terraced row of properties on the south side of Watkin Lane, located on its corner with Hoghton Street. It is within the Tardy Gate District Centre which predominantly includes retail and commercial properties on the south side of Watkin Lane, and on a short pedestrianised section off Jubilee Road.
5. The ground floor of No 16 was formerly a shop and it is proposed to change the use of this to a hot food takeaway and install an extractor flue. The opening hours of the takeaway were originally proposed to be from 4pm until 11:30pm every day of the week, but the appellant now proposes opening until 10pm. There would be no dedicated parking provision.
6. The Hope Terrace public car park is located off Croston Road, which is a short distance away from No 16 and an easy, convenient walk. The car park has an hour free parking during the day and is free after 6pm Monday to Saturday and all-day on a Sunday. It is signposted from Watkin Lane, including on the side of a street cabinet very close to No 16, and although well used at the time of my site visit, it had sufficient capacity to accommodate additional vehicles. Because it

would be free during the proposed opening hours, and is convenient, I agree that a proportion of customers would use the Hope Terrace car park and walk to the takeaway. Alternatively, customers would walk from the surrounding residential area or would link a trip with the Co-op convenience store which is broadly opposite No 16 and has a customer car park.

7. However, a large proportion of those customers travelling by car would choose to park as close to the takeaway as possible. Watkin Lane itself is a busy classified road through Lostock Hall and there is a signalised pedestrian crossing diagonally opposite No 16 which has zig-zag lines either side extending the length of the terraced row. This would preclude on-street parking to the front of the proposed takeaway, on either side of the road. There are also bollards along part of the south side of Watkin Lane, up to and returning the corner of Sephton Street, which would prevent vehicles parking on the pavement on this corner. Although the appeal property returns the corner of Hoghton Street, there are bollards across the end of the road preventing vehicular access to it. The most convenient on-street parking would, therefore, be at the opposite end of the terrace on Sephton Street, a residential road.
8. The Highway Authority considered that the proposed change of use would have a negligible impact on highway safety and capacity and had no objection to the proposal. However, I visited the area on a weekday evening when most residential occupiers would be home. There are no parking restrictions on Hoghton Street and Sephton Street, save double yellow lines on the corner of Watkin Lane, and I observed very few available on-street parking spaces. Vehicles were also parked on the footway alongside these roads, particularly toward their Watkin Lane end.
9. Third parties have raised concerns regarding parking associated with other takeaways in the area, including parking on double yellow lines and double parking on residential roads. I do not, however, have any substantive evidence before me that the proposed takeaway would result in parking either directly outside No 16 on Watkin Lane or on the pavement, such that it would contravene highway safety laws. Nevertheless, because the proposed opening of the takeaway would be from 4pm, it would coincide with times of the day when residential occupiers would be getting home, and it would therefore result in an increase in the demand for on-street parking, particularly on Sephton Street. The manoeuvring of vehicles, revving of engines and slamming of car doors would result in an increase in noise and disturbance in these residential roads, including at quieter times of the day.
10. I have not been provided with any information regarding the expected number of delivery drivers, or the modes of transport which would be used, but I recognise that many drivers now use e-bikes or e-scooters. Given the popularity of home delivery, even in residential areas, I would expect there to be a significant number of delivery movements to and from the proposed takeaway.
11. There is a self-contained flat at first floor of No 16 which would be directly above the proposed takeaway. This has two large windows on the Watkin Lane frontage, windows on its flank facing Hoghton Street and to its rear. Because on-street parking to the front of No 16 on Watkin Lane is prevented, it would be most convenient for delivery drivers (of any mode of transport) to park very close to the windows of the flat above No 16, either on the Watkin Lane and Hoghton Street corner, or in the ginnel to the rear. Such an increase in the frequency of vehicle movements, and activity associated with delivery drivers, would result in a level of

additional noise and disturbance which would cause harm to the living conditions of the occupiers of this first floor flat.

12. The appellant has shown a willingness to accept a condition which would restrict the opening hours of the takeaway to 10pm, which would minimise the likelihood of customers leaving the public houses in the wider district centre at closing time and gathering outside the takeaway late in the evening. I also note that there was no objection to the proposal from the Environmental Health Officer, subject to a condition regarding the details of the proposed extractor flue. Nevertheless, the increase in vehicle movements and activity that I have described above would extend well into the evening and over the weekends when neighbours should reasonably expect a lower level of disturbance, even in a district centre. Restricting the opening hours to 10pm would not substantively reduce noise and disturbance or make the development acceptable.
13. I therefore conclude on the main issue that the proposal would result in harm to the living conditions of neighbours, with particular regard to noise and activity. It would conflict with Policy 17 of the Central Lancashire Adopted Core Strategy (2012) and Policy G17 of the South Ribble Local Plan (2012-2026) (2015) which together require that new development does not cause harm to neighbouring property and that the amenities of neighbouring occupiers would not be adversely affected.

Other Matters

14. I recognise that the appeal property is within the Tardy Gate District Centre where there are other takeaway facilities, including in the adjoining property. I also acknowledge that the National Planning Policy Framework (2024) requires that decisions should support the role that town centres play at the heart of local communities, by taking a positive approach to their growth, management and adaptation. However, whilst these matters lend support to the appeal proposal, they do not outweigh the harm that I have found to the living conditions of neighbours.
15. Finally, my attention has been drawn to a proposal for a hot food takeaway which has recently been granted planning permission in Penwortham District Centre. Whilst I note that the images included in the appellant's evidence show residential properties on each side of this takeaway, I have no information regarding its wider context, and particularly the location and availability of customer and delivery driver parking. I cannot therefore determine whether this example is directly comparable to the proposed takeaway, and, in any event, I have determined this appeal on its individual site characteristics and merits

Conclusion

16. The proposal conflicts with the development plan and the material considerations do not indicate that the appeal should be decided other than in accordance with it. For the reasons given above the appeal should be dismissed.

R Gravett

INSPECTOR