



Appeal Decision

Site visit made on 20 May 2025

by Graham Wraight BA(Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 12 June 2025

Appeal Ref: APP/N2345/W/25/3361769

445 Watling Street Road, Ribbleton, Preston, Lancashire, PR2 6TY

- 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 Michael Patel (Sapphire Properties) against the decision of Preston City Council.
 - The application Ref is 06/2024/0701.
 - The development proposed is the change of use from betting shop to micro bar & café bar.
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Decision

1. The appeal is dismissed.

Main Issue

2. The main issue is the effect of the proposed development on the living conditions of the occupiers of nearby dwellings, with particular reference to noise and disturbance.

Reasons

3. The appeal property is located at one end of an L shaped shopping parade. There are a number of different types of businesses located within the parade, including convenience shops, a laundrette, hot food takeaways and a property stated to be in use as a bar and restaurant which immediately adjoins the appeal site. The front elevation of the appeal property faces in the direction of the dwellings on the opposite side of Watling Street Road and it would be from that elevation that visitors would enter and leave the property. There is also a row of dwellings located to the west of the appeal site and a flat above the appeal property.
4. There is considerable potential for noise and disturbance to occur from the operation of a bar and café late into the evening, from people arriving and leaving the premises on foot and by vehicle, and from internal noise. The appeal property differs from other units in the parade as it fronts directly towards existing dwellings from a closer distance. Even though the unit is not particularly large in size, it could still accommodate a number of customers and there would be likely to be a regular turnover of visitors, with more concentrated movements around closing time.
5. At the time of my visit on a weekday afternoon, Watling Street Road was busy with traffic and there were regular vehicle and pedestrian movements to and from the shopping parade. During daytime and early evening hours when adjacent residents would be less sensitive to noise, it would appear highly likely that the proposed use could integrate within the existing noise environment in a way that would not cause harm to living conditions. It is less clear however as to what the

noise environment is later into the evening, at times when adjacent residents would be more sensitive to noise.

6. A Noise Impact Assessment has been provided but the remit of this was to consider the impact that the proposed use would have upon the first floor flat in terms of external plant and internal sound insulation. Whilst it does provide noise monitoring data that was obtained throughout the night, the noise meter was in what appears to be a recessed position relative to the main road and was adjacent to the extraction duct of the adjacent property. Consequently, there is no technical evidence provided to demonstrate what the noise environment from traffic and the adjacent commercial uses is within the wider area later into the evening. No details have been provided as to the opening times of other units, which would aid in establishing how busy the shopping parade may be at those times.
7. The hours of opening sought by the appellant are between 8:00am and 12:00am seven days a week, but they offer forward an earlier closing time of 10:30pm if deemed necessary to address noise and disturbance concerns. However, even with the earlier closing time, how well the proposed use would be absorbed into the surrounding noise environment later in the evening would be related to what that noise environment is at that time. It is entirely possible that the noise environment is significantly different if the road is less busy and if many of the shops and other facilities are closed. It has not therefore been demonstrated that the proposed use could be operated at those later times without causing harm to the living conditions of the occupiers of nearby dwellings.
8. Whilst the appellant suggests that a noise management plan could be secured by way of a planning condition, it would be impractical to control noise from people travelling to and from the property. Although the appeal property was most recently in use as a betting shop, I am not convinced that such a use would have generated comparable levels of noise, or noise so late into the evening. The Spar and Post Office referred to by the appellant are located further along Watling Street Road. They are not in such proximity to the appeal site so to be likely to have any notable impact on the noise environment in the immediate vicinity of it.
9. The appellant refers to the potential that other legislation could address noise from anti-social behaviour, however that would not address the general noise resulting from a permitted use as a bar and café. Whilst no consultation response was received from the Council's Environmental Health team, that does not justify the approval of the proposal in the face of my findings above.
10. For these reasons, I conclude that it has not been demonstrated that the proposal would accord with Policy AD1(a) of the Central Lancashire Core Strategy 2012, where it requires development within the existing residential area of Preston to not lead to an adverse impact on residential amenity, particularly by reason of noise and general disturbance.

Conclusion

11. For the reasons given above, the appeal should be dismissed.

Graham Wraight

INSPECTOR