

DOMINOS LONGRIDGE

53-57 BERRY LANE
LONGRIDGE

PR3 3NH

PLANNING AND HERITAGE STATEMENT

MAY 2024



Suite 4E Pine Court Business Centre, 36 Gervis Road, Bournemouth, Dorset, BH1 3DH

Telephone: 01202 801899

Email: david@hlfplanning.co.uk

Web: www.hlfplanning.co.uk

Statement Prepared By:

David Bevan MRTPI AMIMA
For HLF Planning Ltd

T: 01202 801899
E: david@hlfplanning.co.uk



1.0 THE PROPOSAL

1.1 The application proposes the variation of condition 4 of decision reference 3/2023/0055 to allow flexibility for the business to open until midnight during the week and 1am on weekends.

1.2 Amend condition 4 to read:

The hot-food takeaway use hereby approved shall only be operated between the following hours:

11:00 to 00:00 Sunday to Thursday

11:00 to 01:00 Friday and Saturday

There shall be no business operated from the premises or site outside the stated operating hours.

Reason: To comply with the terms of the application and in the interests of protecting the residential amenities of nearby residents.

2.0 REASONS FOR THE PROPOSAL

2.1 The local evening economy is very competitive and in current cost-of-living economic times the function of the business requires greater flexibility on its hours of operation for the premises to remain viable. The application has taken into account the local environment and proposes a sensible extension to the permitted hours. The applicant is aware that a late-night refreshment licence will also be required and the intention is to submit that application to the local authority upon grant of this variation. The licence may well impose an earlier terminal hour; nonetheless, the licencing regime is the most appropriate and effective measure of control and therefore the LPA may decide to remove the condition in its entirety.

2.2 The peak time for customers is naturally earlier in the evening when food is ordered around the traditional evening mealtimes. However, to take advantage of and contribute towards the night-time economy the premises needs to be able to be able to serve customers who may have returned home late and need/choose to have food delivered. The existing restrictions results in lost custom forcing customers to rely on other food providers, many of which arguably do not offer the reliable and recognisable quality of Dominos.

3.0 THE SITE AND SURROUNDING AREA – CONTEXT OF DEVELOPMENT

- 3.1 The application site is located on the southwest side of Berry Lane. It comprises one half of the commercial address 53-57 Berry Lane. The other half is occupied by Subway. The unit is a mid-terraced commercial premises, which obtained consent and is now being run as a Dominos pizza takeaway. The recent planning history of the site reflects:

3/2023/0784	Delivery times (to the premises) 7am until 11pm	Refused
3/2023/0785	Discharge of condition (refuse collection)	Approved
3/2023/0309	Advertisement consent for signage	Refused
3/2023/0055	COU to takeaway	Approved

- 3.2 The site is located within the Longridge Conservation Area, but the building is not listed. A brief survey of the local area reveals that there are a number of premises that open to similar times to those requested:

Premises	Address	Weekday Closing	Weekend Closing
Towneley Arms	41 Berry Lane	23:00	01:00
The Durham Ox	5 Berry Lane	00:00	01:00
5 in One	23 Berry Lane	00:00	01:00

- 3.3 There are also other food outlets opening beyond the existing hours permitted under 3/2023/0055:

Premises	Address	Weekday Closing	Weekend Closing
Bella Italia	48 Berry Lane	23:00	00:00
Genos	39 Berry Lane	00:00	00:00
Pizza Time	15 Kings Street	23:00	00:00

It should also be noted that Pizza Time (15 Kings Street) is not located within the town centre as identified within the Longridge Neighbourhood Plan and which is the community's preferred location for takeaways.

- 3.4 With a healthy and vibrant mix of late-night uses locally, the proposal will not materially alter the character of the area. It is not anticipated to result in a noticeable increase in footfall to the premises because the provision of late-night food has shown in the past to be, in the vast majority, by way of delivery.

4.0 PLANNING POLICY

- 4.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that applications for planning permission must be determined with regard to the development plan unless material considerations indicate otherwise. Since 27 March 2012, all Development Plan policies should be in accordance with the National Planning Policy Framework (NPPF). It is therefore appropriate to consider the development proposals compliance with the NPPF as well as the Development Plan.

National Policy

- 4.2 The NPPF was first published in 2012 prior to being superseded entirely in 2018. This document has further been updated, most recently in 2023, and sets out the Government's evolving objectives for the planning system. It continues to place sustainability at the heart of national planning policy and explains that it should be considered as a golden thread running through decision making.
- 4.3 The NPPF puts a significant emphasis on the importance of supporting economic growth and ensuring that the planning system does everything it can to encourage this growth and not to act as an impediment. Considerable weight should be placed on the need to support economic growth through the planning system.
- 4.4 The NPPF also states that local planning authorities should promote competitive town centre environments recognising the importance of supporting their vitality. It also states that decisions should aim to create safe and accessible environments where crime and disorder, and the fear of crime, do not undermine community cohesion, which increased natural surveillance later into the evening provides.

Local Policy

- 4.5 The Core Strategy 2008 – 2028: A Local Plan for Ribble Valley (2014) sets out the strategic view and objectives of the Local Planning Authority (LPA). It is the principal document within the

suite of documents that form the Local Development Plan. Policies DMB1: Supporting Business Growth and the Local Economy, and DMR2: Shopping in Longridge and Whalley, are the two most relevant policies for this application.

- 4.6 Key Statement EC2: Development of Retail, Shops and Community Facilities and Services states:

Development that supports and enhances the vibrancy, consumer choice and vitality and unique character of the area's important retail and service centres of Clitheroe, Longridge and Whalley will be supported in principle...

- 4.7 The extended hours would enhance consumer choice and add a nominal amount of vibrancy to the centre. The vitality of the business is a key consideration, and the small variation of hours should be supported.

- 4.8 The development management policy DMB1 supports the principle of business growth and the health of the local economy. With a similar level of support for small scale businesses development, such as an increase in trading hours, given through Policy DBR2, providing that the proposal respects the character of an area and residential amenity.

- 4.9 Core Strategy Policy DMG1 is a catch-all design policy. It requires a level of good design, consideration of access and expands on the importance of amenity:

1. *Not adversely affect the amenities of the surrounding area;*
2. *Provide adequate day lighting and privacy distances;*
3. *Have regard to public safety and secured by design principles; and*
4. *Consider air quality and mitigate adverse impacts where possible.*

- 4.10 The Longridge Neighbourhood Plan 2018 – 2028 was adopted in April 2019. Whilst this is marginally over five years since adoption the borough can demonstrate a healthy housing delivery and therefore it should be given appropriate weight. Policy LNDP8 gives support to takeaways that are located within the identified within the main centre, which includes the application site.

5.0 PLANNING STATEMENT

- 5.1 The application is for a variation of opening hours. The principle of the current use is accepted and has shown to be a good neighbour and an asset to the area.

Not adversely affect the amenities of the surrounding area

- 5.2 The premises benefits from a modern extraction system. This operates at a very low volume and advanced filtration exhausts to above the neighbouring residential windows upstairs. The nominal increase in hours will not alter the existing relationship and therefore will not introduce a harm to the amenity of neighbouring residents.

- 5.3 Noise Policy Statement for England classifies different levels of noise and the impact that a source of noise could have on neighbouring properties. This statement describes the source (the application site) as “neighbourhood noise” and the assessment of the noise in the context of the area is NOEL – No Observed Effect Level. This is explained as:

“This is the level below which no effect can be detected. In simple terms, below this level, there is no detectable effect on health and quality of life due to the noise.”

- 5.4 Therefore, in terms of impact from the kitchen working longer there are no material impacts on neighbouring properties. The activity related to deliveries needs to recognise that this is a town centre location. There is already a level of activity covering the times applied for. Importantly, if attention is turned to the activity in Longridge itself the context of the area needs to be afforded significant weight. There are already premises operating to the hours applied for and the use is not expected to result in a material change of character to the area.
- 5.5 The premises will require a late-night refreshment licence to operate beyond 11pm. A key consideration of the licencing regime, and arguably its most important one, is the impact to amenity that an increase in hours may have. This consideration is aided through the licence application with input from environmental health and the local police force. Usual conditions applied to a licence include the display of “neighbourliness” signage and to ensure that delivery riders are well trained in respectful and responsible behaviour, not limited to the collection but also at the customer’s address at point of delivery.
- 5.6 As the predominant form of food being consumed off the premises during the later hour is anticipated to be by delivery. There will not be the associated negative “takeaway impacts” caused through the extended takeaway hours, namely people loitering outside the premises late into the early morning that has the potential to increase noise and disturbance, but also

litter, which is a common reason why traditional collection takeaways are not always welcomed.

Provide adequate day lighting and privacy distances;

- 5.7 There are no exterior alterations proposed and therefore this is not a consideration.

Have regard to public safety and secured by design principles

- 5.8 The extended hours are not expected to significantly increase footfall in the area to an extent that it changes the character materially. Similarly, given the existing offering of takeaway premises delivery riders are already a common feature throughout the hours applied for in Longridge. Nonetheless, an often-overlooked benefit to an area that is a consequence of later opening is that it increases natural surveillance within that area. This would increase public safety and reduce the perception of crime.

Consider air quality and mitigate adverse impacts where possible.

- 5.9 The premises benefit from a modern and efficient extraction system. This follows a clear maintenance schedule. The impact to air quality is therefore already mitigated and will remain so during the longer hours.

6.0 HERITAGE STATEMENT

- 6.1 The site is within the Longridge Conservation Area (CA). This was designated in 1979 and expanded to its current allocation in 2003. The CA appraisal suggests an expansion to the allocation, but this has not been formally adopted as yet and does not impact upon the application site.

- 6.2 The site is considered to be of Townscape Merit and a positive contributor to the area. The NPPF states:

In determining applications, local planning authorities should require an applicant to describe the significance of any heritage assets affected, including any contribution made by their setting. The level of detail should be proportionate to the assets' importance and no more than is sufficient to understand the potential impact of the proposal on their significance.

- 6.3 In this case, there are no external alterations proposed and the increase in hours is not considered to materially alter the character of the area. The conclusion is therefore reached that the proposal would have a neutral impact on this designated heritage asset.

6.0 CONCLUSION

- 6.1 This statement has sought to highlight the benefits of permitting an extension to the opening hours of this recently established take-away to enable the unit to compete commercially and for this economic use to survive.
- 6.2 The nominal intensification in use does not constitute a material change in the character of the area and there are no harmful impacts to neighbouring residents or the conservation area. This application is simply seeking to enable more flexibility for the unit to enable it to trade longer primarily in a delivery capacity.
- 6.3 The applicant is aware that grant of this consent would require a licence application and, similarly, the applicant is willing to discuss any further conditions that the LPA may deem appropriate.