

Wigan Council

Report to Planning Committee

9th March 2010

Application No: A/09/73025 (Video)

Speaking arrangements:

Minor/Householder development. One speaker against for two minutes One speaker in favour for two minutes

Applicant: Weston Castle Ltd

Agent: Mr D Liversidge

Development Proposed: Partial change of use of existing public house to betting office.

Location: The Avenue Public House Norley Hall Avenue Wigan

Ward: Pemberton

Representations

15 letters of objections.

Objection also received from Councillor Paul Prescott who requests the application is determined by Planning Committee.

Site Description:

The application site consists of public house located within a wider residential area. The site is located on the junction of Severn Drive and Norley Hall Avenue and is a part single part two storey building. Residential properties are located to the south and east of the site and also to the north on the opposite side of Severn Drive. The building is set back from Norley Hall Avenue and this area is used for car parking. Norley Hall Local centre is located some 150 metres to the north of the site on Norley Hall Avenue.

Proposals:

The application is for the change of use of part of the existing public house in use as a lounge area into a bookmakers. The only external works proposed involves the bricking up of 3 small high level windows and the installation of a door in the front elevation. The bookmakers would be fully separated internally from the public house by bricking up existing openings.

Supplementary Documents

Design and Access Statement

This document is available for inspection by the Committee on request in the Department and is available on the website

Policy Context UDP Allocation:

The site is unallocated within the urban area.

Relevant Policies/Guidance

G1A - Impact of Development on Amenity

EV3C - Design of Frontages to Shops and Commercial Premises

S1E - Small Shops and Services

Previous Relevant Decisions:

A/08/70604 - To retain smoking shelter to rear of public house (Retrospective Application)
Refused 14.03.2009, Appeal dismissed 17.12.2008.

Consultations:

Environmental Protection - No objections to the proposal.

Highway Engineer - No objections to the proposal.

Architectural Liaison Unit of Greater Manchester Police - No objections to the change of use but have suggested a number of security options for the protection of the building.

Anti-Social Behaviour Team - Any comments will be reported verbally.

Representations

15 letters of objections have been received in relation to this application and Councillor Paul Prescott has objected to the planning application and requested it be determined by Planning Committee.

The points of objection relate to;

- Another bookmaker is located close by and there is no need for any more.
- Noise and disturbance that already exist will be exacerbated.
- Potential for anti-social behaviour to increase.

A sample of the letters received is attached.

Assessment

Material Considerations:

Principle of Development

Design

Impact on Amenity

Fear of Crime and Anti-Social Behaviour

Principle of Development

The use of part of the building as a bookmakers must be considered in respect of Policy S1E. It is considered that the proposal complies with this Policy as the site is suitably located in terms of access on foot for local residents and by public transport. A bus route runs past the site on Norley Hall Avenue and numerous services run along Ormskirk Road. The impact upon the amenity of neighbouring residential properties is addressed below.

It must also be noted that planning permission would not be required for the change of use of the whole building into a bookmakers, planning permission is only required as a new planning unit is being created by the subdivision of the existing public house.

Design

The external changes are minor in nature, do not significantly alter the appearance of the building, and would not have a detrimental impact on the appearance and character of the building or surrounding area. Therefore the proposal complies with Policy EV3C.

Impact on Amenity

It is not considered that the change of use would have an adverse impact on the amenity of neighbouring properties. The opening hours of the betting shop as stated on the application form are 08:30 - 18:00 Monday to Saturday and 10:00 - 17:00 Sunday and although opening earlier than the public house it would close considerably earlier. As stated above there would be no internal link from the bookmakers to the public house. The element of the building that the bookmakers would occupy is located 18 metres from the nearest residential property at 57B Norley Hall Avenue. The hours of operation will be controlled through a condition on the decision notice.

No complaints in terms of the noise have been received by the Council's Environmental Protection Officers in relation to the existing use.

In my view the relationship of a betting shop to a public house and residential properties is acceptable. Examples of similar relationships between such uses can be found elsewhere in the borough.

Fear of Crime and Anti-Social Behaviour

It has been established by the courts that fear of crime and anti-social behaviour can be a material planning consideration but that to be considered as such there has to be some reasonable evidential basis for that fear. The Architectural Liaison Unit of Greater

Manchester Police has been consulted and has no objections to the proposed use. Notwithstanding this, local residents have raised concerns about the potential impact of the use. I consider that it is reasonable to consider the residents concerns about the fear of crime and anti-social behaviour as a material consideration in the determination of this application. Having reached this view it is necessary to determine if the fear of crime is sufficient, in this case, on an evidential basis to justify refusal of consent.

The use is one that is common in this area and in other residential areas, in fact a bookmakers is located some 200 metres away with others being located in Pemberton Town Centre. If managed in an appropriate manner bookmakers in themselves do not cause crime or anti-social behaviour. There are instances in the Borough of bookmakers and public houses being located in close proximity and there is no reason that the two uses cannot sit comfortably together.

Measures to ensure a decent level of security for the premises are suggested by the Architectural Liaison Unit of Greater Manchester Police but most of these are not relevant to this planning application. These suggestions have been passed on to the applicant.

It is considered that the fear of crime and anti-social behaviour cannot substantiate a reason for refusal in this instance. No evidence has been produced to show that bookmakers lead to increases in local crime levels. In determining the planning application it must be assumed that the use will be run and managed in an appropriate way for its location and in accordance with all other regulations, unless there is evidence to suggest otherwise. I am not aware of any evidence that would justify refusal of planning permission on the basis of crime and fear of crime and anti-social behaviour. In my view if the use is managed appropriately, the use of the building will not generate any greater impacts in terms of residential amenity than the existing use as a public house.

Observations on Representations Received

It is acknowledged that a number of bookmakers are located within the area, however it is not the role of the local planning authority to restrict the market for such a use provided the policy criteria set out above is complied with. The other points of objection have been addressed above.

Conclusion:

It is considered that the use of part of the public house as a bookmakers is acceptable and would not unduly impact upon the amenity of neighbouring residential properties or result in any anti-social behaviour.

Recommendation

Approved with Conditions

1. With the exception of the detailed matters referred to by the conditions of this consent, the development hereby approved shall be carried out in accordance with the details shown on plan reference 09/61/1 received 23.06.2009.

2. The use hereby permitted shall not be carried out except during the following hours:
Monday to Saturday 08:30 - 18:00
Sunday 10:00 - 17:00

Reasons:

1. For the avoidance of doubt, and having regard to Policy EV3A of the replacement Wigan UDP.
2. To safeguard the amenities of the adjoining premises and the area generally, having regard to Policy G1A of the replacement Wigan UDP.

Plans Attached to Report

Location Plan

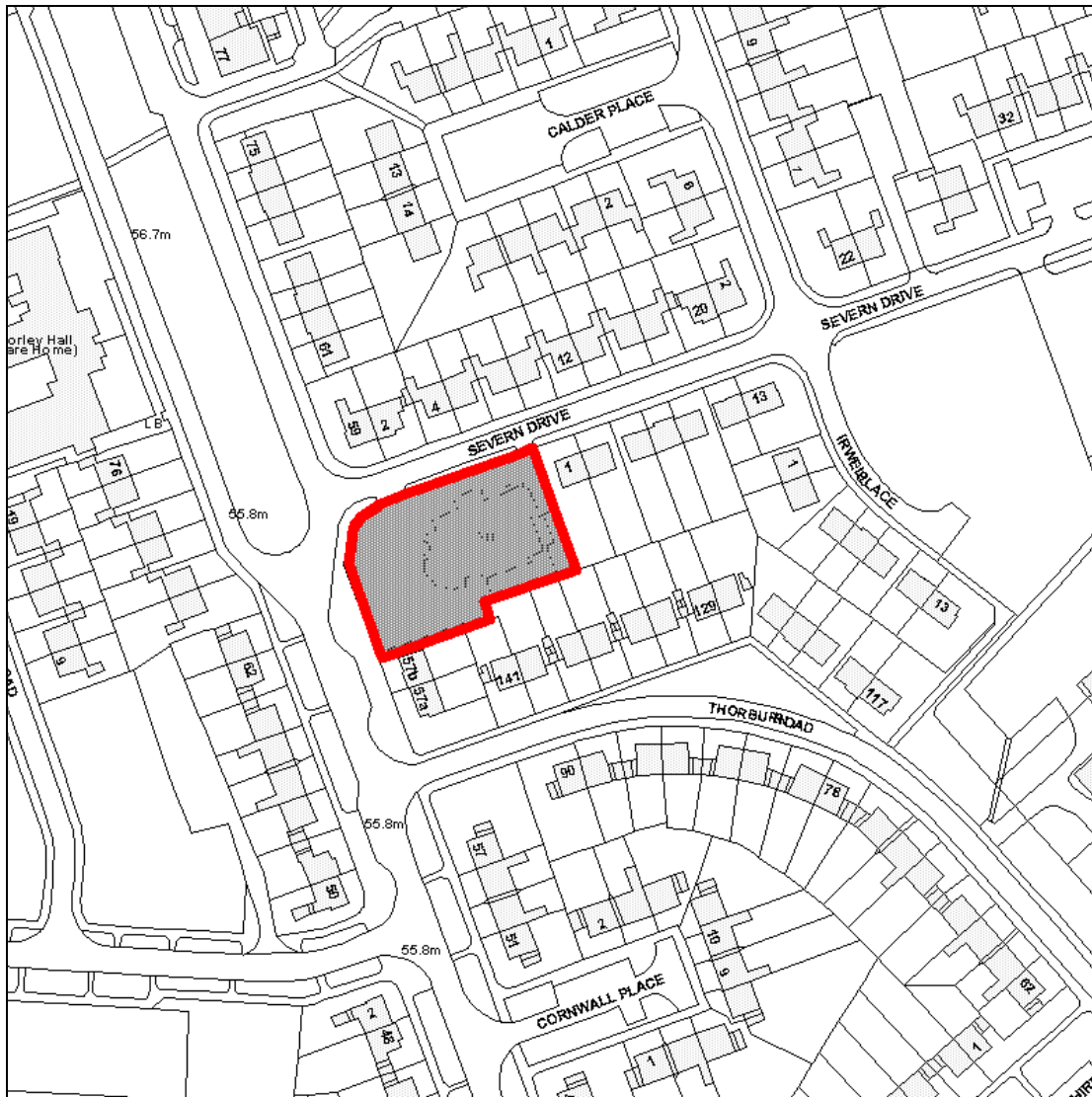
P/FOSTER/A/09/73025

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Site Area 



This plan is representative only, to indicate the site in relation to its surroundings.

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