

Item 1	09/00324/COU Permit Full Planning Permission
Case Officer	Mr David Stirzaker
Ward	Chorley South East
Proposal	Change of use from convenience store (Use Class A1) to a mixed use of convenience store (Use Class A1), ice cream parlour (Use Class A3), ice cream manufacturing (Use Class B2) and pizza takeaway (A5)
Location	Carr Lane Local Shop 139 Carr Lane Chorley LancashirePR7 3JQ
Applicant	Mr Shabir Adams
Proposal	<p>This application relates to an existing purpose built Shop unit located at the Carr Lane (No. 139)/Melrose Way junction within the main Chorley settlement area covered by Policy GN1 of the Local Plan Review.</p> <p>The site comprises of a dedicated retail unit, a forecourt area and a car park. The site fronts onto Carr Lane and Melrose Way from where the car park is accessed. The premises used to be occupied by the Co-op but after the shop closed for several years, it was re-opened as a convenience store by the present owner.</p> <p>This application seeks planning permission for the change of use of the premises from standalone retail (Use Class A1) to a mixed use of retail (Use Class A1), an ice cream parlour (Use Class A3), an area of ice cream manufacture (Use Class B2) and a pizza takeaway (Use Class A5).</p>
Planning History	<p>The building in question was permitted in 1988 (Ref No. 88/457) and it should be noted that there are no conditions attached to the permission that restrict its hours of operation.</p> <p>The site has also been the subject of the following applications: -</p> <p>97/00022/ADV - Display of externally illuminated shop signs – Advertisement Consent Granted</p> <p>01/00561/ADV - Display of illuminated projecting sign to side elevation – Advertisement Consent Granted</p> <p>01/00562/FUL - Installation of cash machine to side elevation – Planning Permission Granted</p> <p>01/00975/FUL - Installation of 1.0m diameter satellite antenna wall mounted on north elevation – Planning Permission Granted</p>
Applicant's Case	<p>In support of the proposals, the applicant advises as follows: -</p> <p>The applicant has an existing business in Chorley (La Rocca Italian Restaurant), which is being retained and also produces ice cream. The applicant also confirms that the proposed uses which</p>

are the subject of this application within the premises in question are all going to be part of the same business and will not be let-out as separate entities.

The applicant wishes to secure planning permission for extending the existing use of the Convenience Store to incorporate an ice cream parlour and pizza takeaway in the evenings along with ice cream manufacture.

The ice cream parlour will trade normally from 9am to 5:30pm but in the warm summer evenings will possibly still operate whilst there is custom until 9pm at the latest. The pizza takeaway will operate from 5:30pm until 9:30pm closing well before pub closing times, as the proprietors do not intend catering for nor indeed entertaining pub customers.

The applicant goes on to state that ice cream will be manufactured on the premises to a traditional Italian method to an old family recipe but using locally sourced ingredients wherever possible. As the ice cream is made and sold on the premises it does not need to incorporate any preservatives and therefore will be unique to the property. The applicant (Mr Manzione) is a local established respected chef and restaurateur who has an existing establishment in the town and this venue is merely providing an outlet for what he had discovered to be a much loved and cherished product.

Planning Policy

Policy GN1	-	General Settlement Policy
Policy GN5	-	Building Design/Landscaping
Policy EP20	-	Noise
Policy TR4	-	Highway Development Control Criteria
RSS	-	Draft Interim Parking Standards
PPS1	-	Sustainable Development

Consultations

LCC (Highways) do not raise any objections to the proposals.

Comments from **The Crime Reduction/Architectural Liaison Officers** have not yet been received. Any comments received will be reported in the addendum.

The Corporate Director (Neighbourhoods) raises no objections to the application subject to a condition requiring details of the odour extraction system to be submitted and approved prior to work commencing.

Representations

To date, 24 letters have been received with 3 of these letters supporting the application and 21 letters raising objections to the application. The contents of the letters of support can be summarised as follows: -

- If the building was left empty it would fall into disrepair and attract vandals etc
- The proposed business is planned to be family orientated and consideration is being shown to the neighbourhood
- The appearance of the building will be improved
- The proposed change would secure a firmer business base and the applicant is experienced in the area of business proposed
- The applicants business venture deserves to flourish as

- otherwise the building if closed would fall into disrepair
- Not all local residents are opposed to this application

The contents of the letters of objection can be summarised as follows: -

- Highway safety issues especially at school closing time
- Impact on the character of the area
- Noise and disturbance
- There will be outside seating in the summer causing noise disturbance and there will be additional litter in the area
- The uses proposed will lead to an increase in anti-social behaviour
- At the moment, shop customers park on the double yellow lines instead of the car park
- The area is home to a large retired population who do not need a pizza takeaway or an ice cream parlour
- The proposed use will result in a situation like that which occurs at Frederick Ice Cream Parlour on Bolton Road
- There is a primary school only a few hundred yards away
- The use will be open late into the evening
- There could be problems with school children crossing the road near the premises if cars are parked on the road
- There is already a pizza takeaway only 400 yards away that is in financial straits
- The Carr Lane/Melrose Way junction is already hazardous
- The general character of the area will be detrimentally harmed
- There will be a constant smell of cooking in the area
- The circular bus service could be lost if parking at the shop stops the bus getting round as is the case at Gillibrand
- Chorley already has more than enough fast food outlets

Assessment

The main issues for consideration are as follows: -

Principle of Development

The site is in the main Policy GN1 settlement area in Chorley wherein the principle of the development proposed is acceptable given it relates to the change of use of an existing building.

Design, Layout & Streetscene Impact

The exterior of the building will not change other than improvements to the car parking area required by condition and the installation of a flue on the northern elevation of the building. No other external works are proposed and if any new signage is proposed, this may have to be the subject of an application for advertisement consent depending on the size and nature of the signage.

The flue duct will be sited on the side elevation of the building close to the ridge. A condition will require the final details of the flue duct to be submitted for approval prior to the commencement of the development and it will also be required to be finished matt black to minimise its impact. The details will be assessed in liaison with the Council's Environmental Health Officers to ensure noise and odour emissions are within

acceptable levels thus safeguarding the amenities of adjacent neighbours. It is not considered that the position of the flue duct will be harmful to the character and appearance of the streetscene.

With regards to the car park, there is an existing kerb edge behind which is a thin strip of overgrown land adjacent to the site boundary with 69 Melrose Way. A condition will be imposed requiring this area of unused land to be hard surfaced to make the car park more user friendly by increasing its width. The car parking spaces will also need to be marked out again following the widening of the car park. This will make the car park more user friendly to customers and encourage its use rather than parking on the highway. There is space on the car park for the provision of 12 no. spaces.

A more accurate plan is also being awaited from the applicant that specifies the exact floor area of each use proposed so as it can be limited to this via condition.

On the basis of the above, it is not considered that the changes will lead to detrimental harm to the character and appearance of the streetscene.

Residential Amenity

In terms of the actual change of use, the current retail shop will include a pizza takeaway and an ice cream parlour. Ice cream will also be manufactured on the premises although a large area of retail will still be retained adjacent to the other uses proposed within the premises. The applicant advises that the uses will be part of the same overall business and will not be let out separately.

There are understandably some concerns with the proposals from local residents. However, the areas of the premises to be used as a pizza kitchen and ice cream parlour are small in relation to the size of the current retail area. It is accepted that these uses will generate more activity in the form of vehicular and pedestrian movements to and from the site but on the basis of the scale of the activity, it is not considered that the additional activity associated with the uses will be such that it causes detrimental harm to the living conditions of nearby residents, especially given the restricted hours of operation. The shop, as existing, will undoubtedly generate pedestrian and vehicular movements at the moment and as the permission for the shop did not restrict its hours of operation, the shop could in theory be open 24 hours a day. Moreover, there are no restrictions on what can be sold in the shop so again; this could be changed, subject to it remaining within the A1 Use Class, without any control from the Council. Other uses in the A1 Use Class include hairdressers, retail warehouses, travel agencies, pet shops, post offices, sandwich bars, domestic hire shops and internet cafes. All of these uses could again take place from the premises without needing planning permission.

With regards to the issue of outside seating raised by a neighbour, a condition is recommended prohibiting this and in terms of opening times, a further condition is suggested that restricts the ice cream parlour and pizza takeaway to a closing

time of 9:30pm each and every night. The ice cream parlour will not be able to open earlier than 9am and the pizza takeaway will not be able to open earlier than 5:30pm. These times, it should be noted, are suggested by the applicant. Such opening and closing times are considered adequate to control the additional traffic and pedestrian flows that could be attracted by the pizza takeaway and ice cream parlour. Also, the pizza takeaway will not attract school children at school closing time as has been suggested by some residents if it can only open from 5:30pm onwards. Also, restricting the closing time will mean only a small amount of custom will come from the adjacent pub (Hop Pocket) which is another concern expressed by residents in many of the representations received.

A further condition will also restrict the ice cream parlour and pizza takeaway to the areas shown on the proposed floor plans so any increase in floor area would have to be the subject of a further planning application as would changes to the opening times. The area of ice cream manufacture and pizza kitchen will also be restricted.

In terms of the pizza kitchen and ice cream manufacture, the main issues with these, particularly the pizza kitchen, will be cooking odours. The ice cream manufacture is more likely to raise issues relating to noise from fridges etc but on all b of these points, there are no objections to the proposals from the Corporate Director (Neighbourhoods). With regards to the actual flue duct and the issue of cooking odours causing harm to residential amenity, the Council's Corporate Director (Neighbourhoods) recommends that a condition be imposed requiring the final details of an odour extraction system to be submitted for approval prior to work commencing on site. This will ensure that the details are fully assessed and thereafter agreed with the Corporate Director (Neighbourhoods) thus ensuring that odour and noise levels are suitably controlled and do not harm the amenities of local residents.

On the basis of the above, there are no objections to the application in relation to the impact of the proposed uses on the amenities of local residents.

Highways

As already stated, the current retail shop benefits from a dedicated parking area accessed from Melrose Way. The car park provides parking for up to 12 no. vehicles and there are customer entrances to the shop fronting onto Carr Lane and Melrose Way. The car park is somewhat overgrown on one side and there is scope to make it more user friendly by widening it by removing the overgrown strip of land next to the retaining wall that forms the boundary with 69 Melrose Way. This will be made the subject of a condition. This will make the car park more user friendly to customers and encourage its use rather than parking on the highway.

Whilst many local residents have objected to the application citing additional traffic as an issue, LCC (Highways) have not raised any objections to the application on the basis of the proposals. It is stated that the proposals will not result or cause a major highway risk of exacerbating existing traffic conditions. The concerns of

local residents are noted and whilst the proposed pizza takeaway and ice cream parlour will probably increase the amount of traffic associated with the premises given the present business is clearly struggling, it is considered that the car park, once upgraded and made more user friendly, can adequately cope with the extra traffic. The opening hours of the ice cream parlour and pizza takeaway are also to be restricted. Moreover, without the support of LCC (Highways), it would be difficult to substantiate a highways reason for refusal and thereafter defend the reason at appeal.

On the above basis, it is not considered that the proposed uses will have a detrimental impact on highway safety.

Conclusion

Whilst there are understandably some concerns from local residents with the proposals, on balance, given the nature of what is being proposed within an existing retail building which can operate without restrictions on opening hours, it is not considered that the pizza takeaway and ice cream parlour will generate such significant levels of traffic and pedestrian movements that the amenities of local residents will be detrimentally affected. Moreover, restricting the closing time of the ice cream parlour and pizza takeaway to 9:30pm will ensure there is no late night activity in and around the premises, other than that associated with the retail use. Also, there are no objections from the Corporate Director (Neighbourhoods) in terms of the position of the flue for the fume extraction system and a condition will require details of this to be submitted to the Council for approval prior to work commencing thus ensuring the system will adequately control odour and noise levels.

The existing car park will also be required to be upgraded and re-marked and this will provide adequate parking space for car based customers associated with the ice cream parlour, pizza takeaway and the retained retail element. Whilst it may be the case that some customers presently park on the highway, it is likely these customers are only calling into the shop to purchase items such as newspapers. However, customers of the ice cream parlour and pizza takeaway will invariably be on the premises for a longer period of time so should be inclined to use the car park although if they do park on the double yellow lines, then this is a traffic enforcement issue.

Recommendation On the basis of the above it is recommended that planning permission be granted.

Conditions

1. The proposed development must be begun not later than three years from the date of this permission.

Reason: Required to be imposed by Section 51 of the Planning and Compulsory Purchase Act 2004.

Further conditions to follow
