

Item B. 1 **05/00472/FUL** **Permit (Subject to Section 106)**

Case Officer **Miss Nicola Bisset**

Ward **Chorley North East**

Proposal **Alterations of first floor premises to provide 6 new flats, erection of ground floor rear extension with first floor balconies, formation of railings to rear and creation of 3 residents parking spaces,**

Location **299 - 305 Eaves Lane Chorley Lancashire PR6 0DR**

Applicant **Mr J Hall**

Additional Information

The application was deferred from Development Control Committee on 28th June 2005 to allow the Site Inspection Sub-Committee to visit and inspect the site. The Sub-Committee visited the site on 23rd August 2005. The Sub-Committee recommended that consideration of the application should be deferred to allow further discussions between the applicant, the Head of Planning Services, the Head of Public Space Services, the Director of Legal Services and Ward Representatives in respect of the parking issues. The Sub-Committee also requested that the remaining rear balcony should be removed to reduce the impact of the proposal on the neighbouring residents.

Following on from this recommendation a meeting was held in September 2005 with the applicant, his agent and representatives from the Council's Planning Services, Public Space Services and Legal Services. At this meeting it was concluded that there were three possible options for the site. To either use the car park to the rear, lease three car parking spaces in the car park to the rear or improve the lighting at the rear to encourage people to use the rear car park.

The car park to the rear is a Council owned public car park, which any future residents of the flats could utilise. However, in terms of option 1 it was felt that a more permanent solution was required for the car parking at the site. In terms of option 2 after consultation with the Council's Public Space Services it was determined that this would be very difficult to administrate and enforce, this option was discounted. The result was that the only option left was to improve the lighting in the area to encourage people to use the car park to the rear. The car park to the rear is in an isolated position and it is considered that improving the lighting in the vicinity will encourage people to utilise this car park particularly at night when the car park may not be fully utilised. Further use of this car park will improve the parking and traffic problems in the immediate area. It has been determined that further parking cannot be provided on site, the agent for the application has submitted two subsequent schemes to provide additional parking on site both of which are not acceptable in

highway terms. Therefore improving the lighting in the area is the only option for this site.

If the Committee members agree that this is an acceptable solution to the issue of car parking in the area then a design scheme can be drawn up to provide 3 or 4 lighting columns in the area and the costs will be attached to the existing draft 106 agreement.

In terms of the rear balcony the applicant has agreed to remove this remaining balcony and amended plans will be submitted.

COMMITTEE REPORT

Proposal

The application is for the conversion of the first floor of 303 to 305 Eaves Lane from storage and office accommodation associated with the ground floor shops to residential accommodation. At ground floor level there is an existing Spar shop and bakery.

The application also includes ground floor rear extensions to provide a staff room and loading area for the ground floor shops. When the application was first submitted on the 3rd May 2005 the proposal included first floor rear balconies over the extensions. The scheme has now been amended removing two of the three proposed balconies retaining only one, which faces the side elevation of number 1 St. Peters Street. The remaining balcony will have a timber pergola above it with galvanised steel handrails and balustrades.

As part of the proposal three car parking spaces are to be provided. Two spaces to the rear of 301 Eaves Lane and one to the rear of the property at the boundary with St. Peters Street on an existing paved area.

Galvanised steel gates are proposed to be erected to enclose the parking spaces and similar railings will be erected to the rear of the property measuring 1.8 metres high.

The application also includes the refurbishment of 301 Eaves Lane which is currently unoccupied.

Planning Policy

GN1- Settlement Policy- Main Settlements
HS6- Housing Windfall Sites
HS11- Flats above Retail and Commercial Premises
SP6- District, Neighbourhood and Local Shopping Centres
TR4- Highway Development Control Criteria
TR8- Parking Provision Levels

Planning History

05/00186/FUL- Alterations of first floor premises to provide 6 new flats, erection of 2 ground floor rear extensions with first floor balconies, formation of railings to rear, and alterations to side road to form parking lay-by. Withdrawn to resolve parking problems

05/00437/FUL- Installation of ATM cash machine to front of store- Under Consideration

Applicant's Case

The applicant has submitted a supporting statement with the application and raises the following points:

- There is strong support from national, regional, county and local planning policy for residential redevelopment of the site, the principle of which; is understood to be accepted.
- With regard to the car parking provision, there is clear guidance within PPG3, PPG13 and an acknowledgement within both the Local Plan and regional planning guidance that car parking standards should be applied flexibly, authorities should not require provision for car parking over and above that which the developer deems necessary, and where sites are sustainably located, a flexible approach to the provision of parking should be adopted.
- With regard to the application site, 3 car parking bays are provided, at a ratio of 50% (i.e. 3 bays relating to the 6 apartments). However the site is sustainably located, being within a defined local centre where there is an appropriate range of local shops and services, it is also within walking distance of the transport interchange facilities of Chorley town centre, and Chorley Railway Station.
- Given the site's location, the acknowledgements within policy of the need to apply standards flexibly, the acceptability of the use in principle, and the appropriateness of the level of car parking proposed, the application is supported by planning policy and consent should be forthcoming.

Representations

5 letters of objection have been received from neighbours raising the following points:

- The impact on highway safety and parking will be unacceptable.
- There will be an impact on the residential amenity of local residents including overlooking and loss of privacy.
- Loss of privacy from the proposed windows.
- The development would be inappropriate and of no benefit to the community.
- The existing car park at the rear is already full in the evening.
- Cars are park illegally on the side street

Consultations

Lancashire County Council Highways: have no objection to this proposal.

Public Space Services: object to the proposal in terms of parking. Three parking spaces are unlikely to accommodate the parking and residents parking will be displaced. If someone chooses to walk to work they still need somewhere to park their

car. Staff already use the areas shown as parking on the plans.

United Utilities: The site should be drained on a separate system, with foul drainage only connected into the foul sewer. Surface water should discharge to the watercourse/soak-away/surface water sewer and may require consent of the Environment Agency.

A separate metered supply to each unit will be required at the applicants expense and all internal pipe-work must comply with current water supply (water fittings) regulations 1999.

Environmental Services: have no comments to make.

Housing Services: the application is supported by the housing needs and housing renewal teams on the grounds that:

- It increases availability of rented property within the private sector, and
- It brings an otherwise empty property in to use for housing provision.

Assessment

The site is located within a neighbourhood shopping centre as allocated in the Adopted Chorley Local Plan Review 2003 and includes the conversion of empty space over existing commercial premises.

The provision of new housing in the Borough is tightly controlled in line with Regional Planning Guidance. The proposal however is an exception to the Council's Windfall Housing Policy as it is located within an allocated shopping centre and within 400 metres of a bus route. The conversion of floor-space above shops is identified within PPG3 as an important source of new housing in town centres. The proposal would provide housing within a convenient location, which has easy access to local amenities and is therefore contributing towards the aims of sustainability.

To the rear of the site is a predominantly residential area with residential properties on St. Peters Street and Corporation Street. The proposal initially included three balconies at the rear of the properties; it was considered that three balconies would have created a loss of privacy due to overlooking of the rear garden areas of 1-5 St. Peters Street. The scheme has subsequently been amended removing the two balconies, which faced those rear garden areas. One balcony has been retained this is however directed at the side wall of number 1 St. Peter's Street, which has a blank side gable wall apart from one first floor side window which does not serve a habitable room. Therefore no loss of privacy will be created from the proposed balcony in this location to the detriment of the occupiers of 1 St. Peter's Street.

There are existing windows at first floor level in the front, rear and side elevations of the property. The proposal includes replacing these with double glazed windows. The original scheme included French doors to facilitate the balconies at the rear. The amendments to remove two of the balconies also include

replacing the proposed French doors with smaller windows. The windows at the rear serve a lounge and bedroom. The windows to the rear will have views of the side of number 1 St. Peter's Street and the car park area to the rear. The majority of the windows are relatively small and will be directed at the side elevation of number 1. The windows will be located approximately 5.5 metres from the side boundary with number 1. The position of the window ensures that the views will be limited and are unlikely to create overlooking to the detriment of the residents at 1-5 St. Peters Street.

The windows in the side elevation (north elevation), adjacent with St. Peter's Street, will serve a lounge and various bedrooms. The side windows face across St. Peter's Street directly at 307 Eaves Lane, a residential property. There are no first floor windows in the side elevation of 307 Eaves Lane and therefore the proposal will not create any loss of privacy for the residents of 307 Eaves Lane.

The proposal also includes removing the existing windows in the south elevation and replacing them. The windows will be relatively small bedroom windows, which will be located over 13 metres from the side boundary of 297 Eaves Lane. This distance ensures that the windows will not create any loss of privacy to the detriment of the occupiers of 297 Eaves Lane.

The replacement of existing first floor windows at the property will not create any loss of privacy to the detriment of the surrounding neighbouring properties.

The ground floor use of the properties is unlikely to impact on the amenities of future occupants. The flats will be self-contained with ground floor access at the front of 301 Eaves Lane and will be independent of the ground floor commercial premises. The proposed flats will not adversely impact on the surrounding residential properties through overlooking or loss of privacy. The proposal therefore complies with Policy HS11.

The proposal includes the provision of three parking spaces. A similar planning application was submitted in February 2005 and this application was withdrawn because the proposed parking was not adequate. The scheme has been amended to provide three parking spaces. The Council's Public Space Services Section has again raised concerns that the proposed parking is not adequate for the accommodation that will be provided. They are concerned that the additional cars will displace the existing residents cars and cause further problems in the area. The adopted parking standards are detailed in Appendix 3 of the Adopted Chorley Local Plan Review 2003. The guidance states that for single bed roomed housing there should be 1 car space per dwelling and for family housing there should be 2 car spaces per dwelling. This however is a maximum and not a minimum level in accordance with guidance in PPG13. In addition to the onsite provision there is also a communal car park to the rear of the property, which can be used for residents cars.

The car parking provision for this proposal is below adopted standards. Therefore it is likely that the lack of off street parking associated with this proposal will add to the pressure on on-street parking. However, there is an existing car park to the rear of the premises. The fact that there is available parking to the rear will reduce the impact of a lack of on site parking at the site.

Ideally more parking should be provided on site however, the site is located within a convenient area for local amenities and the proposal incorporates the conversion of premises above shops which is identified in PPG3 as a valuable source of housing provision. The proposal is therefore considered acceptable.

**Recommendation: Permit (Subject to Section 106)
Conditions**

1. The approved plans are:

Plan Ref.	Received On:	Title:
A3/0.006	11 th May 2005	Site Location Plan
035507/A2/0.004	3 rd May 2005	Existing Ground Floor Plan
035507/A2/0.005	3 rd May 2005	Existing First Floor Plan
035507/A2/0.010A	3 rd May 2005	Existing Elevations
035507/A2/0.001C	3 rd May 2005	Proposed Ground Floor Plan
035507/A2/0.002B	8 th June 2005	Proposed First Floor Plan
035507/A2/0.003B	8 th June 2005	Proposed elevations

Reason: To define the permission and in the interests of the proper development of the site.

2. Surface water must drain separate from the foul and no surface water will be permitted to discharge to the foul sewerage system.

Reason: To secure proper drainage and in accordance with Policy Nos. EP17 and EM2 of the Adopted Chorley Borough Local Plan Review.

3. All external facing materials shall match in colour, form and texture those on the existing building.

Reason: In the interests of the visual amenity of the area in general and the existing building in particular and in accordance with Policy Nos. GN5 of the Adopted Chorley Borough Local Plan Review.

4. Before the works required for the conversion to the residential use proposed are first commenced, full details of a scheme of soundproofing between the proposed flats and ground floor commercial property shall have been submitted to and approved in writing by the Local Planning Authority. All works which form part of the approved soundproofing scheme shall be completed before any flat is occupied.

Reason: In the interests of the amenity of future occupants of the proposed flats and in accordance with Policy No. EP20 of the Adopted Chorley Borough Local Plan Review.
