

Item B. 4 **06/00210/COU** **Permit Full Planning Permission**

Case Officer **Miss Caron Taylor**

Ward **Eccleston And Mawdesley**

Proposal **Change of use of existing shop (A1) to A3 (Restaurants, snack bars or cafes)**

Location **Nevins Ltd 2 Lawrence Lane Eccleston Lancashire PR7 5SJ**

Applicant **United Estates Services Ltd**

Proposal: The application is for a change of use from Class A1 (shops) to Class (A3), which since April 2005 covers restaurants, snack bars and cafes. The applicants have not specified which of these uses they propose to use the building for.

Background: The application property is situated at no. 2 Lawrence Lane, Eccleston, towards its junction with The Green. The premises are currently standing empty but were last used as a Co-op Late Shop (Use Class A1). The site is opposite the old Church Hall (now empty) and has a garage to the rear. To the northeast is a furniture shop and to the southwest are the rear gardens of the properties on The Green.

Planning History: There have been a number of planning applications at the site:

- 01/00564/FUL Installation of cash machine to front (Co-Op). Permitted
- 01/00565/ADV Erection of internally illuminated projecting sign to front (Co-Op). Permitted.
- 02/00194/FUL Erection of 1.0m diameter satellite antenna on wall mount (retrospective), (Co-Op). Permitted.
- 95/00521/FUL Erection of 1.2 metre satellite dish to side (Co-Op). Permitted.
- 87/695/FUL Alterations to shop front (Nevins Supermarket). Permitted
- 78/1120/FUL Erection of illuminated sign (Nevins supermarket). Permitted
- 4951 (1965) Change of use from cinema to car showroom (including extensions). Permitted.

Planning Policy: GN3: Development in Eccleston
EP20: Noise
EP21: Air Pollution
SP8: Small Scale Retail Developments
TR4: Highway Development Control Criteria

Consultations: **Lancashire County Council Highways:** State that with the extant permission for the premises and previous use as a local convenience store (open until late at night), it would be difficult to substantiate any highway objection at appeal. In these circumstances they have no objection to the proposed development.

Head of Environmental Services: Having consideration to the proposed use of the premises and its location, I feel that it is likely that cooking odours and noise from extraction equipment and the general activities of the business could be noticeable to residents nearby, as the premises in question are situated in a residential area.

Representations: Five letter of representation have been received as a result of neighbour consultation. Their concerns can be summarise as:

- Although it would improve the surroundings for at least one derelict building there are concerns regarding parking
- Customers may block the access to the rear of the terraced properties, which is almost opposite the application property
- It will increase congestion in the area
- The number of parking spaces is insufficient and will result in vehicles parking in front of residential properties. The previous shop utilised the village hall car park
- It will result in odours to surrounding properties, litter and vermin
- It will result in noise and disturbance to residents during the evening and night
- Further traffic could increase the likelihood of accidents at the junction of Lawrence Lane and The Green
- There are already adequate eating establishments in the village
- A snack bar will be a meeting place for the unruly

Assessment:

The property was last used as a convenience store. Small retail developments outside designated shopping areas (which this site is), are covered by Policy SP8 of the Adopted Chorley Borough Local Plan Review. However, this policy does not seek to protect or prevent existing shops from changes of use so the proposals are not contrary to this policy.

Policy GN3 states a number of criteria that development in Ecclestone will be restricted to. This includes the reuse of existing buildings and therefore the proposals comply with this policy.

Highways

The existing lawful use of the property is as a shop, and this is therefore a material consideration in deciding the application. The use of the premises for A1 goes back to the 1970s and therefore there are no opening hours restrictions on the premises. Prior to this the property had been used as a cinema and had permission to be used as a car showroom. The A1 use could be resumed without planning permission being required with unlimited opening hours.

In terms of parking, I agree with many comments made by the local residents. In terms of the Lancashire Parking Standards (which are set out as the maximum allowed, rather than the minimum), an A1 use at the site would allow a maximum of 26 spaces, whereas an A3 would allow a maximum 46 spaces. The current property has an area of forecourt parking, which provides for approximately 6 cars. However, in terms of the likely amount of

traffic to be generated by the proposal, it is not considered that an A3 would result in a significant increase beyond that which could be expected to result from a resumption of the existing lawful A1 use at the site. Although residents state that the Co-Op late shop utilised the village hall parking area, which is now unavailable, the lawful use could still be resumed without it as there was no condition on the previous permission that this should be provided. It was an informal arrangement between the two owners. In light of the existing use the Highways Authority have no objection to the proposal so it would be difficult to substantiate a refusal in terms of policy TR4.

Neighbour Amenity

The same issues surrounding the properties lawful use also arise in terms of neighbour amenity as the property currently has no hours restriction on it. Again, it is not considered that an A3 use would result in a significant increase beyond that which could be expected to result from a resumption of the existing lawful A1 use at the site. This is particularly the case bearing in mind its use as a convenience store that was open in the evenings. Therefore, the impact of the proposals would not be so significantly different in terms of policy EP20: Noise and EP21: Air Pollution to its lawful use.

Circular 11/95: The Use of Conditions in Planning Permission, states that conditions can enable many development proposals to proceed where it would otherwise have been necessary to refuse planning permission. In this case applying a condition requiring details of an extraction system to be provided and approved in writing before development is commenced would ensure that a satisfactory system was put in place to protect neighbours from unacceptable levels of noise and odours and ensure it is erected on an elevation of the building away from residential properties.

Conclusion:

While I accept the concerns of residents, the lawful use of the property must be given significant weight in deciding the application. As stated above, it is not considered that an A3 use would result in a significant increase in parking or neighbour amenity issues beyond that which could be expected to result from a resumption of the existing lawful A1 use at the site, to warrant refusal of the application. On that basis any refusal would be very difficult to substantiate at appeal on these grounds. Bearing that in mind the application is recommended for approval subject to the following conditions.

Recommendation: Permit Full Planning Permission Conditions

1. The use hereby permitted shall be restricted to the hours between 08.00 and 23.30.
Reason: To safeguard the amenities of local residents and in accordance with Policy No. EP20 and EP21 of the Adopted Chorley Borough Local Plan Review.
2. The proposed development must be begun not later than three years from the date of this permission.
Reason: Required to be imposed by Section 91 of the Town and Country Planning Act 1990.
3. Before any works to implement this permission are commenced full details of the fume extraction and filtration system to be installed at the premises (notwithstanding any such details previously submitted) shall have been submitted to and approved in writing by the Local Planning Authority.

The system shall be installed in accordance with the approved details prior to the commencement of the use of the premises hereby permitted and retained in operation at all times thereafter.

Reason: To safeguard the character and appearance of the area and amenities of local residents, in accordance with Policy GN1 of the Adopted Chorley Borough Local Plan Review.

4. Before any development hereby permitted is first commenced, full details of the marking out of the forecourt car park area shall have been submitted to and approved in writing by the Local Planning Authority. The car park and area shall be provided in accordance with the approved details prior to first occupation of the premises as hereby permitted. The car park area shall not thereafter be used for any purpose other than the parking of and manoeuvring of vehicles.

Reason: To ensure adequate on site provision of car parking and manoeuvring areas and in accordance with Policy No. TR4 of the Adopted Chorley Borough Local Plan Review.
