

**Item 4i**                      **13/00036/FUL**

**Case Officer**              **Iain Crossland**

**Ward**                         **Chorley East**

**Proposal**                    **Conversion of existing shop with accommodation above (Class A1) to 3 no. Studio Apartments (Class C3) with 3 no. garage spaces, to include removal of the shop front, erection of a two storey rear/side extension, and pitched roof over the existing store.**

**Location**                    **Chordale Wine Merchants 275 Eaves Lane Chorley PR6 0EY**

**Applicant**                    **Mr Brian Wilding**

**Consultation expiry:** **5 March 2013**

**Application expiry:** **13 March 2013**

**Proposal**

1. Change of use from existing shop with accommodation above (Class A1) to 3 no. Studio Apartments (Class C3), with 3.no. garage spaces
2. Two storey rear/side extension and alterations including pitched roof over existing store.

**Recommendation**

3. It is recommended that this application is approved.

**Main Issues**

4. The main issues for consideration in respect of this planning application are:
  - Principle of the development
  - Housing Development
  - Impact on the neighbours
  - Design
  - Flood Risk
  - Traffic and Transport
  - Contamination and Coal Mines

**Representations**

5. Two letters of objection have been received from the occupiers of 273 and 277 Eaves Lane raising the following issues:
  - Lack of parking availability and highway safety
  - Land ownership
6. No letters of support have been received.

**Consultations**

7. **Lancashire County Council (Highways)**  
No objection.
8. **United Utilities**  
No objection to the proposed development.

## 9. **Planning Policy**

No objection, and comment that the existing shop is not within the adopted Chorley Local Plan Review boundary of the Eaves Lane Neighbourhood Shopping Centre protected by Policy SP6. However, at the Preferred Option stage (Site Allocations and Development Management Policies DPD– September 2011) the Eaves Lane (North) Local Centre was amended to include the property 275 Eaves Lane within the boundary of the Local Centre and subject to Policy EP7 (Development and Change of Use in District and Local Centres). This is the boundary carried forward to the Publication Local Plan (September 2012) and protected within Policy EP7 (Development and Change of Use in District and Local Centres) which states at criteria c) planning permission will not be granted for non- retail uses unless it can be shown that there is no demand for retail or commercial use or the property was last occupied by a non- retail/non -commercial use. The Publication Chorley Local Plan, however, has limited weight.

## **Assessment**

### Principle of the development

10. The application property is currently a retail unit (A1). There is an associated storage building with a small yard area to the rear, and living accommodation above at first floor level.
11. The application site occupies a corner position at the junction of Eaves Lane and Geoffrey Street, and is one of four terraced properties in a row, the others being residential dwellings. The terraced properties along Eaves Lane on the opposite corner of Geoffrey Street are also residential dwellings. The rows of properties directly opposite, on the other side of Eaves Lane, are shops with living accommodation at first floor.
12. The residential properties and shops along Eaves Lane rely on the car parking bays along the road for parking. There is also a bus stop and shelter outside the shops. The terraced residential properties on Geoffrey St equally rely on on-street parking, which occurs on both sides of the road.
13. The proposal sets out a revised scheme following a recent refusal for four studio apartments under application 12/00910/FUL. The scheme was refused on the basis of inadequate parking provision.
14. The proposed development would add a two storey rear/side extension measuring 5.5m by 2m to cover the space taken up by an existing yard between the shop and a store, which is to include living accommodation. The roof would extend above the existing two storey outrigger and would be more than 1m lower than the original roofline, therefore appearing subservient to the original property.
15. As the site is located within the settlement boundary, covered by Policy GN1 of the Chorley Borough Local Plan Review 2003, there is a presumption in favour of appropriate development, subject to normal planning considerations and the policies and proposals of the plan. In an area that is largely residential, with good transport links and proximity to amenities the principle of replacing a retail unit with three one bed studio apartments is considered to be an appropriate development.
16. The property is located outside the boundary of the Eaves Lane Neighbourhood Shopping Centre within the extant Chorley Local Plan Review (2003). Although the property is within the Eaves Lane (North) Local Centre as identified within the Publication Local Plan (September 2012), this currently has limited weight and therefore the change of use is considered an appropriate development in this location.

### Housing Development

17. The application site is situated in a highly accessible location, close to the town centre and public transport facilities, and predominantly consisting of housing.

18. The proposed flats comply with Local Plan policy HS11. The conversion would provide acceptable standards of accommodation with typical room sizes and means of independent access for each individual unit. The residents of neighbouring properties would be unlikely to be affected by unacceptable noise transmission or other disturbance.
19. The development would result in two net additional units, as one existing unit would be replaced. This would represent a reasonable increase in the level of housing provided in a largely residential location of relatively high density. It would also contribute to the overall housing requirement identified within the Chorley Local Plan Review (2003) and Central Lancashire Core Strategy (2012), and is supported by the NPPF as the benefits provided by additional housing are not outweighed by harm presented by additional demand upon on street parking and loss of a retail unit.

#### Impact on the neighbours

20. The replacement of the shop with studio apartments is likely to result in reduced levels of visitors to the property, therefore the level of nuisance would be less than would be experienced if a thriving retail business was located there.
21. The development would result in the creation of windows serving habitable rooms to the ground floor and first floor front elevation, first floor rear elevation, and ground and first floor side elevation facing Geoffrey Street. There would be no windows in the side elevation facing 273 Eaves Lane.
22. To the front elevation these have interface distances of over 21m from properties opposite, reflecting the situation at neighbouring residential properties.
23. The windows in the first floor rear elevation would be approximately 10m from the nearest property to the rear and face a side elevation featuring only one window to a non-habitable room at first floor. These windows would overlook Geoffrey Street and the front garden of 3 Geoffrey Street.
24. One of the windows in the ground floor side elevation would be located in an original window opening that is currently a boarded part of the shop front. This would form a window to a habitable room and would face the blank elevation of 277 Eaves Lane from which it would be 11m distance. The windows look directly out onto Geoffrey Street but would not provide views into any private areas as a result.
25. A window in the ground floor side elevation would be created and would serve a habitable room. It would face the blank elevation of 277 Eaves Lane from which it would be 11m distance. The windows look directly out onto Geoffrey Street but would not provide views into any private areas as a result.
26. The existing window in the first floor side elevation would be relocated and would serve a habitable room facing the blank elevation of 277 Eaves Lane, from which it would be 11m distance. The window looks directly out onto Geoffrey Street but would not provide views into any private areas as a result.
27. A window in the first floor side elevation would be created and would serve a habitable room. It would face the blank elevation of 277 Eaves Lane, from which it would be 11m distance. The window looks directly out onto Geoffrey Street but would not provide views into any private areas as a result.
28. Other window openings would be added serving non habitable rooms and would have obscure glazing secured by condition.
29. The proposed extension would have a marginally greater impact on the amenity of the neighbouring property at 273 Eaves Lane. It would be 0.85m higher to the ridge above first floor level but no greater in length and no nearer to this property. Also the single storey rear extension would have a mono pitched roof and would be 0.65m higher than the existing store

building at the top of the pitch, but 0.6m lower at the lowest point. The extension is to the north of 273 Eaves Lane and therefore would not result in any loss of direct sunlight. The effect of the additional height is considered to be acceptable.

30. The extension would not impact negatively through its scale on any other neighbours due to the distances from other properties and small scale nature of the changes.
31. It is considered that the proposed development would not have an unacceptable impact on the amenity of the occupiers of any other neighbouring properties through loss of outlook, privacy or light.

### Design

32. The proposed extension would be built of materials to match the existing building. It would be of a lower height to the original building and therefore subservient. It would have a pitched roof and gable end perpendicular to the property, which is a common feature throughout the area. A mono pitched single storey would extend beyond that. The shop front would also be removed and altered to reflect residential use.
33. Bin storage would be provided to the rear elevation facing the back alley off Geoffrey Street. These would be accessed through bi-folding doors. Garages would be accommodated within the ground floor, accessed via bi-folding doors facing Geoffrey Street.
34. The material changes would not have an adverse impact on the character of the area due to their small scale. A front garden wall and gate would be added in order to harmonise with the residential nature of the street scene in this location.
35. In addition to these physical changes the development would be a positive outcome in terms of providing much needed attention to the building. The development would improve the appearance of a rather poorly designed store building to the rear, which currently detracts from the appearance of the area.

### Flood Risk

36. The site is not within a Flood Zone as identified by the Environment Agency nor is it more than 1 hectare in size. A Flood Risk assessment is therefore not required.

### Traffic and Parking

37. Three off street parking spaces are proposed as part of the development through the inclusion of three garages to the rear/side. This meets with the adopted parking standards and is considered acceptable by LCC Highways. Further to this there is good access to public transport and town centre amenities reducing the need for car journeys.
38. It is accepted that there are existing parking difficulties in the area, however, the car journeys and parking demand generated by the existing retail unit would be removed, and there is already a residential unit at the property that would result in parking demand. The additional residential parking demand generated by this proposal would therefore be presented by two net additional residential units, and the removal of the need for parking to serve a retail unit. This is considered to be a negligible increase on existing levels of demand and is supported by the provision of three off street spaces, therefore is considered appropriate.

### Contamination and Coal Mines

39. The site is not within a Coal Referral Area, the Coal Authority do however wish their Standing Advice to be added to any permission as an informative.

## Overall Conclusion

40. The property would be extended to support the creation of three studio apartments. The physical changes would not result in any significant harm to the character and appearance of the existing building or the surrounding area, nor would it cause any significant harm to the amenity of neighbouring residents.
41. There would be off street parking to accommodate three vehicles, which meets with the adopted parking standards. In addition to this there is good access to public transport and town centre amenities without the need for access to a car.
42. It is considered that the proposed flats would provide adequate accommodation and cause no loss of amenity for neighbouring residents through overlooking, car parking or noise disturbance.

## Other Matters

### Sustainability

43. The proposal would result in the creation of dwellings located close to public transport, and within walking distance of local amenities available in the Neighbourhood Shopping Centre.

### Waste Collection and Storage

44. Provision has been made for the storage of six bins to the rear of the property accessed via the back alley off Geoffrey Street. This is considered to be a reasonable level of provision for three one bed studio apartments.

### Land Ownership

45. Certificate A of the application form has been signed along with a red edged location plan. On the basis of the information received the proposed development would be carried out entirely within land owned by the applicant.

## Planning Policies

### National Planning Policies:

National Planning Policy Framework (NPPF)

### Adopted Chorley Borough Local Plan Review

Policies: GN1, GN5, HS11, TR8

Supplementary Planning Guidance:

- Statement of Community Involvement
- Design Guide

### Joint Core Strategy

Central Lancashire Core Strategy (2012)

### Emerging Chorley Local Plan Publication Version (formerly Site Allocations and Development Management Policies Development Plan Document)

V1, ST4, EP7

## Planning History

**Ref:** 12/00910/FUL      **Decision:** REFFPP      **Date:** 10 January 2013

**Description:** Conversion of existing shop with accommodation above (Class A1) to 4 no. Studio Apartments (Class C3), to include removal of the shop front, erection of a two storey rear/side extension, and pitched roof over the existing store.

**Ref:** 88/00418/COU      **Decision:** REFFPP      **Date:** 12 July 1988

**Description:** Change of use to fish and chip shop/ hot food take away

**Ref:** 75/00573/FUL      **Decision:** PERFPP      **Date:** 18 August 1975

**Description:** Replacement Garage

**Ref:** 74/00850/FUL      **Decision:** WDN      **Date:** 6 December 1974

**Description:** Take Away Fish/Chip Sales

**Recommendation: Permit Full Planning Permission  
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*
  
2. The approved plans are:

Title	Plan Ref.	Received On:
Location Plan		16 January 2013
Existing Plans	LE01	16 January 2013
Existing Elevations	LE03	16 January 2013
Proposed Plans (Amended)	LE02	18 February 2013
Proposed Elevations (Amended)	LE04	18 February 2013

*Reason: To define the permission and in the interests of the proper development of the site.*
  
3. All windows to en-suite bathrooms in the side elevation of the building shall be fitted with obscure glass and obscure glazing shall be retained at all times thereafter.  
*Reason: In the interests of the privacy of occupiers of neighbouring property and in accordance with Policy Nos. GN5, HS4 and HS9 of the Adopted Chorley Borough Local Plan Review.*
  
4. All external facing materials of the development hereby permitted 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.*