

**Item 4g**                      **13/00476/FUL**

**Case Officer**              **David Stirzaker**

**Ward**                         **Chorley North East**

**Proposal**                    **Conversion of existing pub (Use Class A4) to office (Use Class B1) and shop (Use Class A1) on ground floor with workspace for shop on first floor, formation of shop front to part of front elevation, insertion of door in side elevation and provision of 5 no. parking spaces to rear of building**

**Location**                  **Harpers Arms 23 Harpers Lane Chorley PR6 7AB**

**Applicant**                  **Fancy Pants Ltd**

**Consultation expiry:** **24 June 2013**

**Application expiry:** **16 July 2013**

**Proposal**

1. This application is being reported to Development Control Committee as the Council has a long leasehold interest in the land upon which the car parking spaces are proposed although the applicant does have the freehold reversionary interest in the land.
2. This application seeks planning permission for the conversion of an existing pub (Use Class A4) to a shop (Use Class A1) and office use (Use Class B1) on the ground floor with workspace associated with the shop on the first floor.
3. A shop front will also be formed in the left hand side of the front elevation and a window will be enlarged to form a door in the side elevation. The application also proposes the provision of 5 no. parking spaces to rear of building.
4. The site comprises the Harpers Arms pub and its associated curtilage. The site is located on Harpers Lane in the settlement of Chorley. The pub is closed and was last open for trading in 2011. The pub is a two storey structure which is at the end of a row of terraced properties and fronts onto Harpers Lane and is side on to Springs Road.

**Recommendation**

5. It is recommended that this application is granted planning permission.

**Main Issues**

6. The main issues for consideration in respect of this planning application are:
  - Principle of the development
  - Impact on the neighbours
  - Design & Streetscene Impact
  - Traffic and Transport
  - Community Infrastructure Levy (CIL)

**Representations**

7. No letters of objection have been received.
8. No letters of support have been received.

**Consultations**

9. **Lancashire County Council (Highways)** have considered the application and in providing a consultation response state that the pub does not appear to have had its own dedicated car

parking possibly due to the existence of the communal car parking area to the rear of Harpers Lane. The proposed parking provision is noted by LCC (Highways) and on this basis and the proposed use; no objections are raised to the application subject to the provision of 2 no. cycle parking spaces and 1 no. motorcycle parking space.

## **Assessment**

### Principle of the development

10. At the moment, the application site is not within a defined Local Centre. As the mixed use proposed is defined in the NPPF as a main town centre use, a sequential test should therefore be applied. Policy SP6 of the Adopted Local Plan seeks to resist retail and commercial uses outside of identified centres. However, in the emerging Chorley Local Plan, which can be afforded significant weight in the determination of this application, the site is proposed to be part of a Local Centre which will encompass the northern side of Harpers Lane. Planning Policy have confirmed that the proposed use would comply with criterion (a) of emerging Policy EP7 given it comprises a retail shop with associated offices pertaining to the online retail element of the applicants business. There are no notable changes proposed to this Policy in the Inspectors Proposed Main Modifications.
11. Policy HW6 of the emerging Chorley Local Plan is also relevant and seeks to protect existing community facilities and a pub is described as such in the preamble to the wording of this Policy. This policy sets out five criteria which need to be met in order for a proposal to change its use for being acceptable. These stipulate that (a) the facility should no longer be needed to serve the local community, (b), there is adequate alternative provision in the area, (c), the use is no longer financially viable, (d), the facility is in an isolated location remote from public transport routes or (e), there is an amenity or environmental reason why the facility is no longer available. There are no significant changes proposed to this Policy in the Inspectors Proposed Main Modifications.
12. The applicant advises that the pub closed its doors in 2011 since which time it has stood empty. The applicant draws on wider evidence from the BBPA (British Beer & Pub Association) which states that beer sales in British pubs were down 50 million pints in the first quarter of 2013 compared to the same period last year and this shows how pub use is declining in general. The applicant also advises that the proposed use will generate jobs which will benefit the local economy.
13. In terms of adequate alternative provision, there is another pub on Harpers Lane located a few hundred meters away (Masons Arms). There are also pubs on the A6 (Parkers Arms) and Blackburn Brow (The Lock & Quay) along with those located in the town centre.
14. In terms of financial viability, the applicant advises that The Harpers Arms has had many tenants who have tried to make a successful business out of the pub over the years but all have failed. The business had been losing money for many years, until the brewery decided to close the pub in 2011 due to it no longer being financially viable.
15. In terms of the final two criteria of Policy HW6, the pub is not in an isolated location remote from public transport. However, if the pub was left vacant and boarded up, there would be a risk of its appearance deteriorating over time whilst also attracting vandalism. Therefore, the re-use of the vacant pub would negate this risk and also ensure that the building is maintained and kept secure over the long term.
16. Taking into account the above criteria, it is considered that the proposed use of the pub would comply with Policy EP7 in that it comprises a retail use which would support the role and function of the Local Centre designation proposed in the emerging Chorley Local Plan. With regards to Policy HW6 of the emerging Chorley Local Plan, it is considered that the applicant has also demonstrated that the loss of the pub will not be detrimental to the local area.
17. There are also economic and social benefits arising from the re-use of the building such as employment generation as well ensuring that the building does not fall into disrepair and become a focal point for vandalism. The 'principle' of the proposed change of use is therefore

considered to be an acceptable one, subject to the material considerations set out in hereinafter.

#### Impact on the neighbours

18. It is anticipated that the proposed use of the building as offices and specialist retail will generate less noise and disturbance for local residents than the original pub would have when it was in use.
19. In particular, the use of the pub would have generated noise and disturbance during the evenings and particularly at weekends, from customers, entertainment and externally from the normal comings and goings associated with a pub. The proposed use will only operate from 7:30am until 5:30pm on weekdays and 8:30am until 2:30pm on Saturdays hence there will be a marked reduction in the level of noise and disturbance during the evenings and weekends.
20. On this basis, it is considered that the proposed use of the pub as a retail shop and associated offices pub will not lead to detrimental harm to the living conditions of the occupiers of adjacent residents and therefore comply with the objectives of Policy EM2 of the Adopted Local Plan Review and Policy EP3 of the emerging Chorley Local Plan.

#### Design & Streetscene Impact

21. The only changes proposed to the existing pub comprise the formation of a shop window on the left hand side of the front elevation and the enlargement of an existing window to form a door in the side elevation. Other than this the building will remain as existing. The new shop front window will not detrimentally harm the character and appearance of the building
22. To the rear of the property, 5 no. car parking spaces are to be formed and this will entail the removal of some shrubbery to make way for the spaces. However, this is not of such significance that its loss will have a detrimental impact on the visual amenities of the locality.

#### Traffic and Transport

23. The application includes proposals for the provision of 5 no. off road car parking spaces to the rear of the pub. These will be accessed directly from Springs Road. Notwithstanding this, the site is also in a sustainable located hence it is easily accessible by transportation means other than a private car as it is within walking distance to the Town Centre, bus routes and the main bus and train stations in Chorley.
24. LCC (Highways) have considered the application and in commenting state that the pub does not appear to have had its own dedicated car parking possibly due to the existence of the communal car parking area to the rear of Harpers Lane. The proposed parking provision is noted by LCC (Highways) and on this basis and the proposed use; no objections are raised to the application subject to the provision of 2 no. cycle parking spaces and 1 no. motorcycle parking space. An advice note is also recommended drawing the applicant's attention to the need for LCC consent for works to the highway.

#### Community Infrastructure Level (CIL)

25. As the proposed change of use and does not include new floorspace, it is not chargeable under CIL.

#### **Overall Conclusion**

26. On the basis of the above, it is recommended that planning permission be granted. The proposed use of the vacant pub will provide a form of economic development which the NPPF encourages. Given the site is proposed to be located within a Local Centre in the emerging Chorley Local Plan, the 'principle' of the change of use of the pub is considered to be an acceptable one which will see a redundant building re-used for economic purposes.
27. With regards to neighbour amenity, it is not considered that the proposed use will result in detrimental harm to the living conditions of adjacent residents, given the building was last used as a pub. The changes to the exterior of the building will not result in detrimental harm

to the character and appearance of the existing building and the streetscene. With regards to traffic and parking, LCC (Highways) have not raised any objections to the application.

## **Other Matters**

### Waste Collection and Storage

28. There is a storage area to the rear of the building which will provide sufficient space for any waste bins. This has direct access onto Springs Road so bins can be easily accessed for emptying on collection days.

### Land Ownership

29. As stated, whilst the applicant has the reversionary freehold interest in the land upon which the car parking spaces are proposed, as the Council has a long leasehold interest in the land as well, the applicant is aware of the need for negotiations to take place with the Council (via Liberata) to secure the Council's permission to use the land for car parking purposes. An informative is recommended reminding the applicant of this issue.

## **Planning Policies**

### National Planning Policies:

NPPF (National Planning Policy Framework)

### Adopted Chorley Borough Local Plan Review

Policies: GN1 / GN5 / EM2 / TR4 / SP6

Supplementary Planning Guidance:

- Design Guide

### Joint Core Strategy

Policy 17 / Policy 22 / Policy 27

Core Strategy Supplementary Planning Guidance:

- Design

### Emerging Chorley Local Plan

ST4 / EP3 / EP7 / BNE1 / HW6

## **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 development hereby permitted shall be carried out in accordance with the following approved plans:**

Title	Drawing Reference	Received date
Location Plan	-----	21 May 2013
Existing Elevations & Floor Plans	46/10 Rev A	21 May 2013
Proposed Elevations & Floor Plans	46/10 rev A	21 May 2013

***Reason: For the avoidance of doubt and in the interests of proper planning***

3. **The parking and associated manoeuvring facilities shown on the plans hereby approved shall be surfaced or paved, drained and marked out and made available in accordance with the approved plan prior to the first use of the shop and office hereby permitted and such parking facilities shall thereafter be permanently retained for that purpose (notwithstanding the Town and Country Planning (General Permitted Development) Order 1995).**

***Reason: To ensure provision of adequate off-street parking facilities within the site.***