



### Representations

**Coppull Parish Council** has raised an objection to the railings detailed on the amended plans as the Parish Council consider that that the railings are too high and not in keeping with the area.

No representations have been received from local residents.

### Proposed development

1. This application seeks planning permission for the change of use of a former public house which is located in the settlement of Coppull with a small part of the rear of the site located in the Green Belt. The site is on Preston Road and comprises the former Oak Tree public house. The applicant owns the adjoining site (Coppull Motors) so this application will facilitate an expansion of the applicants business onto part of the site and into part of the building.
2. At ground floor this comprises the formation of a retail unit to the northern side of the building and to the southern side; it is proposed to form a valeting bay, sales reception area and a general admin office all of which are associated with the applicants business on the adjoining site (Coppull Motors).
3. To the first floor of the building, the existing residential accommodation above the public house will be subdivided to form to 2 no. apartments each of which will have 2 no. bedrooms.
4. Externally, 4 no. car parking spaces are to be provided to serve the apartments to the rear of the building and these will have a separate access running from Preston Road between the building and 128 Preston Road. These parking spaces will also be fenced off from the southern part of the site and an area of open space will be provided for occupiers of the apartments.
5. The other part of the site will be used to provide 4 no. spaces for the retail unit and 3 no. spaces for the offices with the rest of the site given over to customer parking (4 no. spaces) associated with Coppull Motors.

### **Assessment**

6. The main issues are as follows:-
  - Issue 1* – *Principle of development*
  - Issue 2* – *Design & Scale*
  - Issue 3* - *Impact on Green Belt*
  - Issue 4* – *Impact on neighbours*
  - Issue 5* - *Highways matters*
  - Issue 6* - *S106 & CIL*

### Principle of development

7. The Inspector has issued her Partial Report on her findings into the soundness of the Chorley Local Plan, which is a material consideration in the consideration of any planning application.
8. In summary, the plan is considered to be legally compliant. In relation to soundness, the plan is considered sound, with the exception of matters relating to Gypsies & Travellers.
9. Paragraph 18 of the Partial Report states: “For the avoidance of doubt, the Plan may not be adopted until it has been changed in accordance with all of the main modifications set out in the Appendix to this partial report and any which may be specified in the Appendix of my forthcoming supplementary report. However, because of the very advanced stage in the examination process that the main modifications set out in the attached Appendix have reached, significant weight should be attached to all policies and proposals of the Plan that are amended accordingly, where necessary, except for matters relating to Gypsies and Travellers.” The Council accepted the Inspectors modifications for Development Management purposes at its Executive Committee on 21st November 2013.
10. It is therefore considered that significant weight can be given to the policies and proposals of the emerging Local Plan, as amended by the main modifications. The application site is located in the core settlement area of Coppull. The emerging Chorley Local Plan 2012 - 2026 states that within the settlement areas excluded from the Green

Belt, and identified on the Policies Map, there is a presumption in favour of appropriate sustainable development.

11. Most of the application site is located in the settlement of Coppull with part of the site at the rear of the pub being located in the Green Belt. However, the public house itself is in the settlement and given this constitutes a community facility; its loss has to be assessed against the provisions of Policy HW6 of the emerging Chorley Local Plan which seeks to protect such facilities, which states the following: -

*Development proposing the change of use or loss of any premises or land currently or last used as a community facility (including community centres, village and church halls, places of worship, public houses, children's centres, libraries, cultural facilities and health facilities) will be permitted where it can be demonstrated that:*

- a) *The facility no longer serves the local needs of the community in which it is located; and*
  - b) *Adequate alternative provision has been made, or is already available, in the settlement or local area; and*
  - c) *The use is no longer financially viable; and*
  - 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 acceptable.*
12. With regards to criteria a), the applicant asserts that it is of material consideration that the majority of the proposals can be done under permitted development rights; as the site has a lawful A4 use. Permitted change to A1, A2 and A3 are all lawful, as well as 2no. flats above. As part of the ground floor area is to be used for car valeting, in conjunction with the adjoining car sales use, the development is mixed-use. Policy HW6 allows for the loss of a public house if the facility no longer serves the local needs of the community in which it is located. The building has been vacant for a considerable period of time and serves as an eyesore. It is an unfortunate sign of modern times as more and more public houses become unviable due to the recession, cheap supermarket alcohol, heavy duty on beer and the smoking ban. Public houses, due to the above, no longer serve the needs of a community as they once did. Any need for an A4 use is clearly met by the existence of other public houses, the nearest being located within 0.4 miles of the site
  13. The nearest public house is the Alison Arms which is only 0.4 miles away and within walking distance of the application site. It is clear therefore that alternative A4 provision is already available within the local area. The proposals therefore comply with part (b) of policy HW6.
  14. In terms of criteria c), the applicant asserts that the use of the building as a public house is clearly no longer financially viable and that the site has been vacant since 2011, when CAMRA lists the public house as closing, and despite being marketed it has attracted no interest from purchasers looking to continue to run the building as a public house. The pubs closure is due to a number of factors but mainly due to the recession, a shift in drinking trends and the smoking ban. These factors continue to make an A4 business use for the site unviable. The proposal is clearly compliant with part (c) of policy HW6.
  15. With regards to criteria e), the applicant asserts that public houses/A4 uses can cause environmental/amenity issues locally due to both the sale and consumption of alcohol and typically late hours of opening. The immediate and wider area consists of predominantly residential properties and by replacing the A4 use the proposals will remove a use that is incompatible with adjacent residential properties. The building is currently vacant and detracting from the character and appearance of the local area. By bringing the site back in to active use, the appearance/amenity of the site, as well as the local environment, will be significantly improved, compliant with part (e) of policy HW6.
  16. In terms of the retail use proposed, the section 2 of the Framework (NPPF) covers ensuring the vitality of town centres and para 24 refers to local planning authorities applying a sequential test to planning applications to main town centre uses (including A1

use) that are not in an existing centre and are not in accordance with an up to date Local Plan. They should require applications for main town centre uses to be located in town centres, then in edge of centre locations and only if suitable sites are not available should out of centre sites be considered. When considering edge of centre and out of centre proposals, preference should be given to accessible sites that are well connected to the town centre. Para 245 advocates refusal of an application which fails to satisfy the sequential test.

17. The definition of edge of centre for retail purposes is a location that is well connected and up to 300 metres from the primary shopping area. The Central Lancashire Core Strategy Policy 11 (Retail and Town Centre Uses and Business Based Tourism) says retail and town centre uses will be delivered by way of a hierarchy. Criterion e) says maintaining, improving and controlling the mix of uses in the existing district and local centres so as to appropriately serve local needs.
18. The Chorley Local Plan 2012 -2026 has set the boundary of the Coppull Local Centre and the proposal is outside the boundary but within the settlement of Coppull. In relation to the Local Centre, the Council requires applications to be accompanied by a sequential test to show there are no available units within this local centre for use. This approach is intended to sustain and focus growth and investment in the local centre and to show that the proposal does not detract from the function, vitality and viability of the borough's hierarchy of centres.
19. Policy EP9 (Development in Edge of Centre and Out of Centre Locations) indicates there will be instances where small shops and other town centre uses will be desirable outside the borough's identified centres and retail hierarchy. Such proposals will be necessary to meet a local need which cannot be provided in Coppull Local centre and generally be accessible to local communities by walking, cycling or public transport. Policy EP9 states the following: -

*Outside the town, district and local centres, change of use and development for small scale local shopping and town centre uses (either as part of mixed use developments or in isolation) will be permitted where:*

- a) The proposal meets a local need and can be accessed in its catchment by walking, cycling and public transport; and*
  - b) Does not harm the amenity of an adjacent area; and*
  - c) The Sequential Test and Impact Assessment are satisfied setting out how proposals do not detract from the function, vitality and viability of the borough's hierarchy of centres.*
20. The applicant has accordingly submitted a Sequential Test in support of the application. In terms of criteria a), the applicant asserts that the site is evidently located in a sustainable location and due to its small scale size; it will evidently serve local need. It is also reasonable to assume that the majority of customers who visit the retail unit will do so by foot and will originate from housing in the local area.
  21. With regards to criteria b), the applicant asserts that the reinstatement of the lawful A4 use (Public House) would lead to an increase in the potential for noise and disturbance and that the potential for disturbance from the proposed uses is much lower. The applicant also asserts that the A1 use could be implemented under permitted development rights wherein the Council would not be able to control opening hours for example. The applicant also asserts that the building is vacant and therefore has an adverse impact on the visual amenity of the local area. The applicant therefore asserts that the rather than harm local amenity, the proposals will actually improve local amenity.
  22. In terms of criteria c), the report identifies 3 no. premises which are vacant in the centre and advises that the footprints of these buildings, which are 79sqm, 70sqm and 56sqm respectively, are not capable of accommodating the proposed uses within one single building which would cover a floorspace of approximately 160sqm.

23. Planning Policy has considered the applicants submissions and accepts the findings of the statement addressing Policy HW6 and the Sequential Assessment addressing Policy EP9. On the basis of the above, it is considered that the 'principle' of the development is an acceptable one, subject to the material considerations set out in the remainder of this report.

#### Design & Scale

24. The actual public house building will not be subjected to significant changes externally and the only changes to the front elevation will be the enlargement of two of the ground floor windows with the one on the right hand side incorporating a doorway to facilitate access to the retail unit. These changes will not have a detrimental impact on the overall character and appearance of the property. At the side of the property, an external fire escape staircase is to be removed and the doorway leading to it closed. No changes are proposed to the rear and to the side (south facing elevation); two windows are being replaced with a full height window incorporating a doorway and external access ramp.
25. The existing access to the rear car park is to be gated with 1.8m high black gates and railings of the same height and design will be extended across the frontage of Coppull Motors. Coppull Parish Council has raised an objection to these railings and gates. However, they are of a simple design and given the site is in an urban area, it is not considered that the railings will have a harmful impact on the character and appearance of the locality.
26. It is therefore considered that the development accords with the objectives of Policy GN5 of the adopted Local Plan and Policy BNE1 of the emerging Chorley Local Plan.

#### Impact on Green Belt

27. As stated, only part of the site is in the Green Belt and this comprises part of the car park at the rear of public house. Given no changes are proposed to the car park, it is not considered that the development will have a harmful impact on the openness of the Green Belt.

#### Impact on neighbours

28. With regards to the proposed use, the retail unit is proposed on the northern side of the building so this will generate some noise and disturbance from customer visits. However, the main entrance is off Preston Road and 4 no. car parking spaces are to be provided using the original car park associated with the public house. The noise and disturbance associated with the proposed retail use is unlikely to exceed that which would have been generated by the public house when it was operated as a viable business.
29. With regards to the valeting bay, this is within the building itself and located to the southern side of the building away from the nearest residential property 128 Preston Road.
30. In terms of the apartments, a first floor fire escape door is to be closed although there will be a kitchen window in the first floor north facing elevation serving one of the apartments. However, this will look onto the gable end of 128 Preston Road and any views from it of the rear yard area of this property will be limited to such an extent that overlooking will not be detrimental.
31. In terms of the access to the apartments which will run between the northern elevation of the building and the gable end of 128 Preston Road, this is an existing access to a garage which previously stood on the site and given the gable end of 128 Preston Road does not contain any windows, it is not considered that access to the 4 no. car parking spaces would cause undue noise and disturbance to the occupiers of 128 Preston Road.
32. It is therefore considered that the development accords with the objectives of Policy BNE1 of the emerging Chorley Local Plan in that it will not cause detrimental harm to the amenities of neighbours.

### Highways matters

33. Part of the ground floor of the public house will be changed to a sales reception office associated with Coppull Motors and a further office associated with this business will be provided at the front and a valeting bay provided at the rear accessed through a roller shutter door. A retail outlet is also to be provided on the right hand side ground floor.
34. LCC (Highways) have advised that 4 no. spaces should be provided to serve the retail outlet and 3 no. spaces provided to serve the offices. An amended plan has been submitted showing these parking spaces to the rear where there is sufficient space to provide them. The layout also includes the provision of 4 no. customer parking spaces associated with Coppull Motors. All of these spaces are accessed via the existing access to the pub car park from Preston Road.
35. A further 4 no. spaces are proposed to be provided to serve the 2 no. apartments and a separate access will be provided to these between the northern elevation of the public house and 128 Preston Road. A 1.8m high close boarded fence will be provided to separate these from the car park which will be associated with the offices and retail unit.
36. The level of car parking proposed is therefore in accordance with LCC (Highways) advice and no objections have been raised to the access to the parking spaces for the flats or the parking spaces associated with the retail unit and Coppull Motors on the retained part of the main car park.
37. It is therefore considered that the layout and car parking provision accords with Policy ST4 of the emerging Chorley Local Plan.

### S106 & CIL

38. The National Planning Practice Guidance was updated by Government on 28 November 2014 in respect of contributions for affordable housing and tariff style planning obligations. These measures were introduced to support small scale developers by reducing disproportionate burdens on developer contributions. The updated guidance confirms that such contributions should not be sought from small scale and self-build development. In particular, the guidance states that contributions should not be sought from developments of 10 units or less, and which have a maximum combined gross floorspace of no more than 1000m<sup>2</sup>.
39. This development results in the creation of one additional dwelling, which is below the 10 unit threshold and also has a combined gross floorspace of less than 1000m<sup>2</sup>.
40. In the case of this development there is no evidence at this time, which is directly related to the development, to seek a contribution towards public open space contrary to the national guidance.
41. The proposed apartments do not attract a charge under the Council's CIL charging schedule. The final use of the retail unit is not known at this juncture but if it is convenience retail, the charge will be £160 per square meter and if it is a neighbourhood convenience store, the charge will be £40 per square meter.

### **Planning Policies**

42. In accordance with s.38 (6) Planning and Compulsory Purchase Act (2004), the application is to be determined in accordance with the development plan (the Central Lancashire Core Strategy, the Adopted Chorley Borough Local Plan Review 2003 and adopted Supplementary Planning Guidance), unless material considerations indicate otherwise. Consideration of the proposals has had regard to guidance contained with the National Planning Policy Framework (the Framework), the development plan and the emerging Local Plan 2012-2026. The specific policies/ guidance considerations are contained within the body of the report.

### **Overall Conclusion**

43. The 'principle' of development is considered to be an acceptable one and it is not considered that the changes to the public house or the proposed gates and railings will not have a harmful impact on the character and appearance of the locality.

44. Also, it is not considered that the development would not harm the living conditions of local residents and the site layout proposes an adequate level of car parking.

#### **Planning History**

<b>Reference</b>	<b>Description</b>	<b>Decision</b>	<b>Date</b>
81/00508/ADV	Non illuminated direction sign	Permitted	09.06.1981
82/00782/FUL	Extension to car park	Permitted	19.04.1983
91/00403/FUL	Conversion of first-floor concert room into three single bedrooms and one bathroom	Permitted	11.06.1991



### Suggested Conditions

No.	Condition																														
1.	<p>The proposed development must be begun not later than three years from the date of this permission.</p> <p><i>Reason: Required to be imposed by Section 51 of the Planning and Compulsory Purchase Act 2004</i></p>																														
2.	<p>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 occupation of any of the apartments, the first use of the retail unit or the first use of the offices and such parking facilities shall thereafter be permanently retained for that purpose (notwithstanding the Town and Country Planning (General Permitted Development) Order 1995).</p> <p><i>Reason: To ensure provision of adequate off-street parking facilities within the site</i></p>																														
3.	<p>No apartment shall be occupied until the 1.8m high close boarded fence shown on the approved plans have been erected in conformity with the approved details. The fences shall be retained and maintained as such at all times thereafter.</p> <p><i>Reason: To ensure a visually satisfactory form of development and to provide reasonable standards of privacy to residents.</i></p>																														
4.	<p>The development hereby permitted shall be carried out in accordance with the following approved plans:</p> <table border="0" data-bbox="363 1115 1310 1485"> <thead> <tr> <th>Title</th> <th>Drawing Reference</th> <th>Received date</th> </tr> </thead> <tbody> <tr> <td>Proposed Elevations</td> <td>121.01.06 Rev A</td> <td>25th February 2015</td> </tr> <tr> <td>Proposed Site Plan</td> <td>121.01.08 Rev A</td> <td>25th February 2015</td> </tr> <tr> <td>Site Plan – Extent of Coppull Motors</td> <td>121.01.09 Rev A</td> <td>25th February 2015</td> </tr> <tr> <td>Existing Site Plan and Location Plan</td> <td>121.01.08 Rev A</td> <td>25th February 2015</td> </tr> <tr> <td>Proposed Fences and Gates</td> <td>121.01.10</td> <td>13th February 2015</td> </tr> <tr> <td>Proposed Elevations</td> <td>121.01.07</td> <td>5th November 2014</td> </tr> <tr> <td>Existing Elevations</td> <td>121.01.02</td> <td>5th November 2014</td> </tr> <tr> <td>Existing Ground and First Floor Plans</td> <td>121.01.01</td> <td>5th November 2014</td> </tr> <tr> <td>Existing Elevations</td> <td>121.01.03</td> <td>5th November 2014</td> </tr> </tbody> </table> <p><i>Reason: For the avoidance of doubt and in the interests of proper planning</i></p>	Title	Drawing Reference	Received date	Proposed Elevations	121.01.06 Rev A	25th February 2015	Proposed Site Plan	121.01.08 Rev A	25th February 2015	Site Plan – Extent of Coppull Motors	121.01.09 Rev A	25th February 2015	Existing Site Plan and Location Plan	121.01.08 Rev A	25th February 2015	Proposed Fences and Gates	121.01.10	13th February 2015	Proposed Elevations	121.01.07	5th November 2014	Existing Elevations	121.01.02	5th November 2014	Existing Ground and First Floor Plans	121.01.01	5th November 2014	Existing Elevations	121.01.03	5th November 2014
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5.	<p>Prior to the first occupation of the apartments hereby permitted, the fire escape staircase shall be removed and the doorway leading onto it shall be closed in accordance with the approved plans.</p> <p><i>Reasons: In the interests of the neighbour amenity.</i></p>																														