

APPLICATION REPORT – 22/00838/FUL

Validation Date: 2 August 2022

Ward: Chorley East

Type of Application: Full Planning

Proposal: Change of use from a drinking establishment at ground floor (Use Class E) and dwelling at first floor (Use Class C3) to a 10 room house in multiple occupation (HMO)

Location: Seven Stars Inn 84 - 86 Eaves Lane Chorley PR6 0SU

Case Officer: Mike Halsall

Applicant: Lewis Bird

Agent: Windsor & Patania Architecture and Developments

Consultation expiry: 31 August 2022

Decision due by: 11 November 2022 (Extension of time agreed)

RECOMMENDATION

1. It is recommended that planning permission is granted, subject to conditions.

SITE DESCRIPTION

2. The application site is located on Eaves Lane, opposite its junction with Lyons Lane, to the east of Chorley town centre and is occupied by the Seven Stars public house. The building is in a row of terraced properties with those either side being in residential use. There is a small walled yard area to the rear of the building, beyond which was historically the bowling green associated with the pub but was developed in the early 1990's to create the dwellings of Albany Court with its associated access road and car parking area.

DESCRIPTION OF PROPOSED DEVELOPMENT

3. The application seeks planning permission for the change of use of the vacant pub with apartment above to a 10-room house in multiple occupation. Physical alterations are mainly internal with external changes limited to removing the 'Seven Stars' sign to the front of the building, changing the rear door to a window, inserting new windows to the ground floor rear elevation, inserting a basement window to the rear of the property and adding a cycle storage area and bin store in the rear yard area.
4. Pedestrian access to the rear yard area of the property would be gained via a new side gate accessed from Eaves Lane down a side alley to the south of the building, beneath the first floor of the adjoining property. The red-edged application site boundary was amended during the consideration period of the application to include part of the alleyway over which the applicant has confirmed there is a shared ownership/right of access. The Local Planning Authority (LPA) notified neighbours of this change, the applicant served notice on the other landowner of the shared access and a revised landownership certificate was submitted to the LPA to identify the landowner.

REPRESENTATIONS

5. Representations have been received from twenty one individuals, including Councillor Hasina Khan, citing the following grounds of objection:
 - parking and conflict with policy ST4 of the Chorley Local Plan;
 - highway safety;
 - residential amenity;
 - inadequate bin storage;
 - loss of a community facility;
 - increase in anti-social behaviour;
 - fly-tipping and crime (similar issues at existing HMO at Shepherds Arms);
 - poor management of this type of development;
 - no right of access via the side-alley / Albany Court and so the bin and cycle storage area would be inaccessible; and
 - no consideration given to access for emergency vehicles
6. A petition has also been received in objection to the proposal with twenty two signatures and identifying some of the same reasons for objecting to the proposal as those listed above. In addition, the response refers to the historic character of the building and harm caused by proposed internal changes to the building, contrary to policy BNE8 of the Chorley Local Plan. As the building is not statutorily or locally listed, there would be no conflict with policy BNE8 of the Chorley Local Plan as a result of the proposed internal changes to the building.
7. With regards to access for emergency vehicles, this would be no different to the existing situation with the operation of the site as a public house with the site fronting Eaves Lane, with access for emergency vehicles. It is also noted that LCC Highway Services have raised no objection to the proposal.
8. It was originally intended that this application be taken to planning committee on 11th October 2022, but the application was withdrawn from the agenda to allow the right of access issue to be resolved. Members will be aware that landownership/ right of access issues are a civil matter and not a material planning consideration. That said, if the applicant cannot access the rear of the property for bin and cycle storage then the proposal would be unacceptable due to a lack of suitable provision of accessible cycle and bin storage areas. As explained at paragraph 4 of this report, the issue has now been resolved for planning purposes as sufficient evidence has been provided to the LPA to demonstrate the access can be used in association with the application property. Any further dispute over this access is considered to be a civil matter.

CONSULTATIONS

9. Lancashire County Council Highway Services (LCC Highway Services): Hve responded with no objection to the proposal and have recommended a condition be attached to any grant of planning permission to require the details of secure cycle parking to be provided to the Local Planning Authority for approval. They state that *“The contents of the Transport Statement are agreed. No off-street car parking is required as the site is within a sustainable location. A minimum of one secure and covered cycle spaces for each one bedroom property, to support social inclusion and promote sustainable forms of transport. The proposed cycle storage in the Transport Statement is requested to be covered”*.
10. Regulatory Services - Environmental Health Officer: Have responded with advice for the applicant in relation to HMO standards and guidance.
11. Waste & Contaminated Land Officer: Have responded to request that the plans be revised to show sufficient bin storage space for three 1,100 litre bins. The applicant subsequently revised the site plan to the satisfaction of the Council's waste and contaminated land officer.

PLANNING CONSIDERATIONS

Principle of the development

12. The National Planning Policy Framework (The Framework) states that housing applications should be considered in the context of the presumption in favour of sustainable development. This means that development proposals that accord with the development plan should be approved without delay.
13. The Central Lancashire Core Strategy focuses growth in Key Service Centres such as Chorley town, where the application site is located.
14. The site is not allocated for any specific use within the Chorley Local Plan 2012 - 2026 and Policy V2 of the Chorley Local Plan 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.
15. The proposal would result in the loss of a public house, which is categorised as a community facility. Policy HW6 of the Chorley Local Plan 2012 - 2026 seeks to protect community facilities where they are serving local need. Only one of the representations received in relation to the proposal refers to the loss of the public house, and it is noted that there are other public houses in close proximity to the site. Although the loss of the public house is in some ways regrettable this reflects a general trend of such closures, with the premises having been made available for rent/sale earlier in the year. A viability appraisal has been submitted with the application that supports the applicant's case that the existing use of the building as a public house is no longer viable and this is supported by a statement from the previous owner and operator of the pub. It is, therefore, considered that the loss of the public house is acceptable in this instance.

Impact on character and appearance of the locality

16. Policy 17 of the Core Strategy seeks to ensure that the design of new buildings takes into account the character and appearance of the local area, including among other things, linking in with surrounding movement patterns and not prejudicing the development of neighbouring land; and protecting existing landscape features and natural assets.
17. Policy BNE1 (Design Criteria for New Development) of the Chorley Local Plan 2012 -2026 stipulates that planning permission will be granted for new development, including extensions, conversions and free standing structures, provided that, among other things, the proposal does not have a significantly detrimental impact on the surrounding area by virtue of its density, siting, layout, building to plot ratio, height, scale and massing, design, orientation and use of materials; and that the layout, design and landscaping of all elements of the proposal, including any internal roads, car parking, footpaths and open spaces, are of a high quality and respect the character of the site and local area.
18. There would only be minimal external physical alterations required to the building. The way in which the property would be used would have little impact on the character of the area, given the extent of existing residential properties in the vicinity, and the comings and goings from a house with ten rooms would be less intensive than a public house. The retention and conversion of the building would be a positive outcome as the building is one of character and contributes positively to the streetscene. There would be no conflict with policies 17 of the Core Strategy or BNE1 of the Local Plan with regards to the design of the proposal.

Impact on neighbour amenity

19. Policy BNE1 (Design Criteria for New Development) of the Chorley Local Plan 2012 -2026 stipulates that planning permission will be granted for new development, including extensions, conversions and free standing structures, provided that, where relevant to the development the proposal would not cause harm to any neighbouring property by virtue of

overlooking, overshadowing, or by creating an overbearing impact; and that the proposal would not cause an unacceptable degree of noise disturbance to surrounding land uses.

20. The proposed residential use would introduce habitable room windows to the building at ground floor, however, none of these would result in any unacceptable overlooking. The first floor and second floors would retain windows that are already in residential use serving habitable rooms and so there would be no change in relation to existing privacy standards. The application property is located amongst residential dwellings. The proposed change of use to residential accommodation is likely to have lower levels of noise and disturbance from comings and goings and general noise than the public house. A residential use is a highly compatible use when viewed in the context of adjoining residential uses. There would be no conflict with policy BNE1 of the Local Plan with regards to residential amenity.

Highway safety

21. Policy BNE1 (Design Criteria for New Development) of the Chorley Local Plan 2012 -2026 stipulates that planning permission will be granted for new development, including extensions, conversions and free standing structures, provided that the residual cumulative highways impact of the development is not severe and it would not prejudice highway safety, pedestrian safety, the free flow of traffic, and would not reduce the number of on-site parking spaces to below the standards stated in Site Allocations Policy – Parking Standards, unless there are other material considerations which justify the reduction.
22. The parking requirement generated by this proposal would normally result in the need for 10no. car parking spaces, however, no off-street parking can be provided given the limited site area. The applicant has submitted a detailed Transport Statement in support of the proposal which demonstrates the sustainable nature of the site location.
23. It is noted that the highway authority has not objected to the proposed change of use, and that the application site is in an area of high accessibility in relation to employment, shops, schools, health centres, and community facilities etc. In addition, the site is situated close to bus routes with bus stops within short distances, and within walking distance of Chorley town centre. In addition, it is accepted that there is already parking demand generated by the existing public house and flat above and that this must be considered in relation to the proposed development. The proposed plans also confirm that there would be an outside cycle storage area and a condition could be attached to any grant of planning permission requiring the final details of this to be submitted to the Local Planning Authority for approval.
24. The location is considered to be highly sustainable, such that a relaxation in the car parking standards can be made as per the provisions of policy ST4 of the Chorley Local Plan 2012-2026. In addition, it is noted that LCC Highway Services have no objection and consider that the proposed development would not have a significant impact on highway safety, capacity or amenity in the immediate vicinity of the site.
25. Given the sustainability credentials of the location and the parking demand already generated by the existing use, the under provision of off-street parking is considered acceptable in this instance.

Community Infrastructure Levy

26. This is not a chargeable development for the purposes of the Community Infrastructure Levy.

CONCLUSION

27. There would be no unacceptable detrimental impact on the appearance and character of the area or the amenity of neighbouring occupiers as a result of the proposed development. In addition the retention of the public house as a community facility cannot be justified. The development is located in a sustainable location and would not have an unacceptable

impact on highway safety. On the basis of the above, it is recommended that planning permission be granted.

RELEVANT HISTORY OF THE SITE

Ref: 90/00927/FUL **Decision:** WDN **Decision Date:** 20 September 1990
Description: Single-storey rear extension

Ref: 90/00828/FUL **Decision:** REFFPP **Decision Date:** 18 December 1990
Description: Erection of conservatory to rear

RELEVANT POLICIES: 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 Local Plan 2012-2026 and adopted Supplementary Planning Guidance), unless material considerations indicate otherwise. Consideration of the proposal has had regard to guidance contained within the National Planning Policy Framework (the Framework) and the development plan. The specific policies/guidance considerations are contained within the body of the report.

Suggested 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 approved plans below:

Title	Plan Ref	Received On
Ordinance Survey Map	S-01	17 October 2022
Concept Floor Plans	S-07	17 October 2022
Concept Floor Plans	S-08	17 October 2022
Concept Floor Plans	S-09	17 October 2022
Concept Floor Plans	S-10	17 October 2022
Proposed Elevations	S-11	17 October 2022

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

3. Prior to the first occupation of any of the bedrooms within the approved house in multiple occupation, a scheme for a covered, secured cycle parking area shall be submitted to and approved in writing by the Local Planning Authority and installed in accordance with the approved details. The cycle storage facilities shall provide sufficient storage space for 10 cycles and permanently maintained thereafter.

Reason: To allow for the effective use of the parking areas the promotion of sustainable forms of transport and aid social inclusion.