

<b>Agenda Item</b> A14	<b>Committee Date</b> 15 March 2010	<b>Application Number</b> 09/01236/CU
<b>Application Site</b> Cocked Hat Haws Hill Carnforth Lancashire	<b>Proposal</b> Change of use of former licensed premises to 3 no. apartments	
<b>Name of Applicant</b> Mr Chris Allen	<b>Name of Agent</b> Mr Michael Harrison	
<b>Decision Target Date</b> 16 February 2010	<b>Reason For Delay</b>	
<b>Case Officer</b>	Mr Andrew Holden	
<b>Departure</b>	No	
<b>Summary of Recommendation</b>	Approval subject to conditions and a unilateral undertaking	

## **1.0 The Site and its Surroundings**

- 1.1 The application site lies at the junction of Lancaster Road and Haws Hill on the southern approach to the town centre of Carnforth, the oblique nature of the road junction gives rise to a triangular shaped site.
- 1.2 The existing building is L-shaped in plan, the principal elevation faces south over an open forecourt whilst the rear wing fronts onto Lancaster Road with an enclosed yard to the rear entered off Haws Hill. The property is two storeys in height with stone walls under a slate roof. The ceiling heights are very tall reflecting the historic use of the building as Primary School built in 1883.
- 1.3 The upper floor is currently vacant with the last use being a drinking establishment with a music licence. The ground floor is also in commercial use with North West Tyres Ltd trading successfully from the ground floor workshop with customer parking on the forecourt and a service entrance at the rear accessed from the rear yard, both the forecourt and rear yard are completely tarmac surfaced. This ground floor use has been present for many years.
- 1.4 The buildings to either side of the application site are both located to the opposite side of the two roads. The properties fronting the street are predominantly two storey residential (terraced and semi-detached) together with a hairdressers, and police station. A children's nursery immediately abuts the northern boundary of the site.

## **2.0 The Proposal**

- 2.1 This application seeks the change of use of the upper floor of the building to three two-bed apartments with associated car parking sited in the rear yard. The apartments are constructed over two floors, the upper floor being introduced within the walls of the first floor and make use of the roof space to the building.

- 2.2 The rear elevation to Lancaster Road has a flat roof dormer introduced into the roof space to enable additional headroom to be gained in the proposed upper floor bedrooms. A total of nine roof windows are also to be introduced into the main roof elevations on Lancaster Road both to its eastern and southern elevations. Access to one unit is to be gained via an existing internal stair case. The other two units are to be accessed via a new external staircase with deck access to the units. An existing external fire escape is to be removed to allow the introduction of the new staircase and deck access. A balcony is also proposed to the Haws Hill gable elevation of the building.
- 2.3 In addition to car parking the rear yard will also contain refuse storage and cycle storage areas. A fire exit and escape route to the ground floor commercial operation is also maintained but no servicing is to take place of the ground floor unit.

### **3.0 Site History**

- 3.1 The recent history includes use as offices and stores for Cannon Hygiene Services who relocated approximately 18 years ago. Conversion works were then undertaken to create a tyre fitting workshop with vehicle parking on the forecourt area; soon after the upper floor was provided with a separate permanent staircase access from the rear yard area and a licensed snooker club was established (1989). With the decline in interest for snooker and the financial failure of two tenants the emphasis changed to a licensed bar with live music, although this use ceased two years ago.
- 3.2 The site was the subject of a very similar recent application (Ref: 09/00949/CU) to that currently under consideration. The earlier application raised significant questions over the potential for noise disturbance from the ground floor commercial operation and did not provide any information in respect of an acoustic investigation/mitigation. As a consequence of discussions, the application was subsequently withdrawn to allow a Noise Assessment to be undertaken. The current application has now incorporated such acoustic investigation for consideration.

### **4.0 Consultation Responses**

- 4.1 The following responses have been received from statutory consultees:

<b>Statutory Consultee</b>	<b>Response</b>
<b>County Highways</b>	The new submission has addressed most of the issues raised in the earlier application but two of the spaces are still likely to be inconvenient to use. Add conditions regarding provision of approved car parking and cycle storage.
<b>Environmental Health</b>	Concludes that the recommendations of the noise consultant assessment be incorporated into the scheme (soundproofing scheme in accordance with B Regulations.). Suggest hours of operation restriction of ground floor use as per noise consultants report.
<b>Housing Policy Officer</b>	2004 Housing Needs survey generally states there is an oversupply of 2 bed flats in the North of the District.
<b>Carnforth Town Council</b>	Approve in principle.

### **5.0 Neighbour Representations**

- 5.1 Single letter of objection received from a neighbouring residential property concerned with potential overlooking of the neighbouring residential properties from the upper floors of the development.

### **6.0 Principal Development Plan Policies**

- 6.1 Lancaster District Local Plan (LDLP) – Policy **H21** (Flat Conversions) sets out the principles and standards to be achieved. Development will be permitted in accordance with the spatial requirements of Appendix 2 of the LDLP.

- 6.2 Lancaster Core Strategy – Policies **SC1** (Sustainable Development) detail the principle of sustainable locations and development, whilst Policy **SC2** (Urban Concentration) seeks to ensure that 90% of new dwellings are concentrated within the main urban areas (Lancaster, Morecambe, Heysham and Carnforth).

## **7.0 Comment and Analysis**

- 7.1 The application site is located in a highly sustainable location within the centre of Carnforth and close to all local services including shops and public transport. As such the location of the site for residential use is one which, in principle, could be supported through planning policy. The key consideration for this development is one of practicability and in particular the impact of the existing ground floor commercial operation upon any upper floor residential accommodation. In addition, the design of the conversion, external alterations and potential impact upon neighbouring uses must also be considered.
- 7.2 All units provide very spacious accommodation for a two bed unit with the smaller unit being approximately 110 sq.m (1100 sq.ft) and the largest is over 180 sq.m. All but one of the bedrooms is located within the newly developed upper floor utilising the upper walls and roof space. In spatial terms, the proposed units are to be developed well in excess of the minimum requirements laid down in Appendix 2 of the Lancaster District Local Plan.
- 7.3 Car parking for four cars (three residents plus one visitor) is to be provided within the rear courtyard and is to be accessed from Haws Hill. The entrance is to be altered to suitable access widths involving rebuilding part of the stone wall fronting Haws Hill. In addition, a new pedestrian entrance is to be created off the courtyard onto the pedestrian route between Lancaster Road and Haws Hill. County Highways have considered the parking and access layout and advise that the proposed arrangement will allow for vehicles to enter and exit the site in a forward gear, but it is a little inconvenient (but not inaccessible) to use two of the spaces. However there is no formal objection to the parking arrangement.
- 7.4 The courtyard area was originally utilised as an access/exit route to the ground floor commercial unit. This is to be lost and the large doors reduced to a personnel fire exit route only. Cycle storage is to be developed within a ground floor store along with refuse storage.
- 7.5 As originally submitted, the application sought to introduce a first floor balcony to the Haws Hill gable elevation of the building. The balcony is constructed over an historic single storey extension to the building. The balcony raised some issues of overlooking of neighbouring dwelling but this was obliquely at a reasonable distance. The balcony is located in a prominent position on the building and within the street scene and as a consequence was considered to detract from the appearance of the building. Following discussion with the agent the balcony has been removed from the proposal.
- 7.6 Dormer extensions are to be introduced into the roof space on the internal face of the roof structure facing Haws Hill. The architect has sought to develop a simple dormer construction introducing oak boarding to the main elevation under a flat roof construction. This design approach is considered to introduce a simple form of dormer which will not detract from the original roof forms of the building.
- 7.7 Development of new residential units would normally result in the Local Planning Authority seeking the introduction of renewable energy provision within the development. The applicant has expressed concerns over the ability to introduce such measure without undue impact on the roof form of the building. The site is already developed and in practice ground-sourced energy generation would be impractical to develop. As a result it is common to investigate solar panels or photovoltaic cells within the roof slope. The site sits in a prominent location on the main approach into Carnforth from the south and the only practical roof slope for energy generation is the southern slope facing directly down Lancaster Road. It is considered that the introduction of sufficient panels or cells on this elevation would have a detrimental appearance on a prominent and historic building. Whilst only currently under appraisal, the boundary of a Carnforth Conservation Area would start at its southern end with this building and it has been identified as an important building in the historical development of Carnforth. Consequently, it is not proposed to condition the introduction of energy generation measures to site but seek the levels of thermal insulation of the building to be significantly higher than current Building Regulation requirements.

## 7.8 Noise Assessment

As stated earlier in the report, a key issue is the significant issue of the potential for noise disturbance from the ground floor commercial tyre-fitting operation. The current application has been supported with a detailed Noise Assessment which has satisfactorily taken account of the relationship of the commercial operation to the development site and the varied form of noise emanating from this form of commercial operation. The assessment concludes with a series of measures which, if implemented, are considered to mitigate the noise impact of the commercial operation upon the residential units. Environmental Health has considered the report and concluded that subject to the mitigation measures recommended in the report being implemented, this will prevent adverse noise impact from the existing commercial operation. Hours of use are also suggested to ensure only daytime working is undertaken at the commercial operation. This reflects the current working practices which have been in place for many years.

7.9 The current ground floor use of the building falls within Class B2 (General Industry) of the Use Class Order 2005 and as such could be used for any general industrial use with unrestricted hours of operation. This open use of the site is of concern and had been raised as part of the initial discussion over the original application. The noise assessment and subsequent mitigation relates only to the incumbent ground floor use. Consequently, any changes to the use could result in additional noise intrusion which has not been assessed and mitigated for. The applicant has clear commercial interest in ensuring that the current long term tenant can continue to operate at the site but has been willing to look at ways of restricting and possibly improving the nature of the ground floor use in the longer term. Following discussion, the applicant has put forward a Unilateral Undertaking restricting both the use of the ground floor commercial unit and its hours of operation. The use restriction is to be as an existing (tyre centre) within Class B2 only or any use within Class B1 (Business) of the Use Classes Order. This will prevent any other use which is potentially more noise-generating from occupying the ground floor and could, in time, result in a less obtrusive use in the premises (e.g. offices, light industrial). The hours restriction is to be 0800-1730 (Monday to Friday) and 0800-1600 on Saturday with no working on Sundays. These reflect the hours currently operated at the site.

7.10 It is considered that the restrictions set down by the Unilateral Undertaking are considered to be sufficient to control the nature of the ground floor operation to a degree which will enable the noise mitigation to function and the relationship between commercial and residential uses to be acceptable.

## **8.0 Conclusions**

8.1 Overall, the development will provide three substantial two bedded residential in a highly sustainable location in the centre of Carnforth. Subject to the receipt of an acceptable Unilateral Undertaking to control the use of the property as a whole and appropriate conditions ensuring the provision of appropriate noise mitigation measure it is considered that the amenity levels for residential use in this location will be acceptable. As such, the creation of residential units in this location as considered to accord with planning policy and should be supported.

## **Recommendation**

Subject to receipt of the afore-mentioned Unilateral Undertaking, Planning Permission **BE GRANTED** subject to the following conditions:

1. Standard Time Limit
2. Development to be built in accordance with approved plans
3. Amended plans omitting balcony.
4. No servicing /storage in association of the ground floor operation to take place in the rear yard.
5. Levels of thermal insulation at least 15 % higher than current Building Regulations requirements.
6. Hours of construction
7. Car parking provision
8. Cycle storage provision
9. Details of the following – roof lights, windows, deck access and balustrade, mezzanine floor construction, refuse storage enclosure and height of new boundary wall.
10. As may be required by consultees.

## **Human Rights Act**

This recommendation has been reached after consideration of the provisions of The Human Rights Act. Unless otherwise stated in this report, the issues arising do not appear to be of such magnitude to override the responsibility of the City Council to regulate land use for the benefit of the community as a whole, in accordance with national law.

## **Background Papers**

None.