

APPLICATION REPORT – 19/00840/P3PAJ

Validation Date: 4 October 2019

Ward: Adlington And Anderton

Type of Application: Prior Approval Offices to Dwellings

Proposal: Prior approval application under Part 3, Class O of The Town and Country (General Permitted Development) (England) Order 2015 for change of use from office (Class B1a) to 56 apartments (Class C3).

Location: The Fairpoint Group Fairclough House Church Street Adlington

Case Officer: Mr Iain Crossland

Applicant: Peter Rowlinson

Consultation expiry: 28 October 2019

Decision due by: 28 November 2019

RECOMMENDATION

1. That prior approval is granted.

REPRESENTATIONS

2. Representations in objection have been received from 6 addresses. These raise the following issues:
 - Lack of parking.
 - Impact of high demand for on street parking given previous issues caused by employees based at the offices.
 - Disruption to the efficient functioning of the highway.
 - Lack of alternative transport to support the development.
 - Lack of school places and local services to support the development.
 - Impact on privacy.
 - It would be more beneficial to the existing community if it was made into something that we could all use like a School, College, Hospital/Clinic, Gym, etc.
 - Potential for anti social behaviour from future residents.
 - There is no need for the development. It is purely driven by the pursuit of profit.

CONSULTATIONS

3. **Waste & Contaminated Land:** Based on the available information, the Council currently has no concerns over ground contamination in relation to this site. The site is unlikely to be determined as Contaminated Land.
4. **Lancashire Highway Services:** No objection.
5. **Lead Local Flood Authority:** No comments received.

PLANNING CONSIDERATIONS

6. The Town and Country Planning (Use Classes) Order 1987 puts uses of land and buildings into various categories known as "Use Classes". The categories give an indication of the types of use that may fall within each use class. It is only a general guide and it is for local planning authorities to determine, in the first instance, depending on the individual circumstances of each case, which class a particular use falls into. The Town and Country Planning (General Permitted Development) (England) Order 2015 provides permitted development rights to allow buildings falling within Class B1(a) offices to change to a dwellinghouse(s) (falling within class C3).

7. Town and Country Planning (General Permitted Development) (England) Order 2015 Schedule 2, Part 3, Class O of the above Order permits development consisting of a change of use of a building and any land within its curtilage from a use falling within Class B1(a) (offices) of the Schedule to the Use Classes Order, to a use falling within Class C3 (dwellinghouses) of that Schedule.

8. Development is not permitted by Class O if—

- (a) the building is on article 2(5) land and an application under paragraph O.2(1) in respect of the development is received by the local planning authority on or before 30th May 2019;
- (b) the building was not used for a use falling within Class B1(a) (offices) of the Schedule to the Use Classes Order—
 - (i) on 29th May 2013, or
 - (ii) in the case of a building which was in use before that date but was not in use on that date, when it was last in use;
- (c) the site is, or forms part of, a safety hazard area;
- (d) the site is, or forms part of, a military explosives storage area;
- (e) the building is a listed building or is within the curtilage of a listed building; or
- (f) the site is, or contains, a scheduled monument.

9. Development under Class O is permitted subject to the condition that before beginning the development, the developer shall apply to the local planning authority for a determination as to whether the prior approval of the authority will be required as to—

- (a) transport and highways impacts of the development;
- (b) contamination risks on the site; and
- (c) flooding risks on the site,
- (d) impacts of noise from commercial premises on the intended occupiers of the development,

and the provisions of paragraph W shall apply in relation to any such application.

10. Development under Class O is permitted subject to the condition that it must be completed within a period of 3 years starting with the prior approval date.

11. The local planning authority may refuse an application where, in the opinion of the authority—

- (a) the proposed development does not comply with, or
- (b) the developer has provided insufficient information to enable the authority to establish whether the proposed development complies with,

any conditions, limitations or restrictions specified in the Part as being applicable to the development in question.

12. In relation to the criteria above:

- (a) the building is not on article 2(5) land [areas listed in the GPDO as an area exempt from these permitted development rights] and the application was not received by the council before the 30th May 2019.

- (b) the building was in use as an office on 29th May 2013;
- (c) the site is not in a safety hazard area;
- (d) it is not in a military explosives storage area;
- (e) the building is not listed or in the curtilage of a listed building;
- (f) the building is not listed or a scheduled monument.

13. In consideration of the matters set out above the application is assessed as follows:

14. a) Transport and highways impacts of the development

Where the application relates to prior approval as to transport and highways impacts of the development, on receipt of the application, where in the opinion of the local planning authority the development is likely to result in a material increase or a material change in the character of traffic in the vicinity of the site, the local planning authority shall consult the local highway authority, where the increase or change relates to traffic entering or leaving a classified road or proposed highway, except where the local planning authority is the local highway authority;

15. In this case, the site lies to the east of the White Bear Marina and is fronted by the A6 Church Street in Adlington. It has a three storey office building on its northern half and a warehouse on the southern half including associated parking spaces. Also on the site is a residential lodge situated to the east of the warehouse approximately 50m west of the site entrance.

16. The proposal is to change the use of the office building and convert it into 56 apartments comprising 16no. 1-bedroom and 40no. 2-bedrooms with associated car parking and amenity spaces. In all, 96 car parking spaces (including 5 for the disabled) are required to comply with local authority parking standards. However, the applicant considers that the site is in a sustainable location as it is well served by public transport and within close proximity to bus stops, cycle routes and a train station all within acceptable walking distance. The applicant therefore proposes 56 parking spaces, which is just over 58 percent of the required standard provision.

17. The applicant provides no information relating to existing trips, but estimates that the proposed number of vehicles would generate 61 less two-way trips in the AM peak period and 48 less two-way trips in the PM peak period when compared to its existing use as an office block. There is an existing vehicular access serving the site from a classified road (A6) that would be retained as part of the development.

18. LCC Highways raises no objection to the proposed change of use, however it should be noted that the change from offices to residential with a lower level of proposed parking provision would potentially lead to increased on-street parking outside the site and its immediate surroundings. The offices previously generated high levels of on street parking and therefore the proposed use would be similar in this respect. Notwithstanding the fact that this application cannot be assessed on matters of amenity it is not considered that there would be any greater impact on amenity than the existing use.

19. Therefore the transport and highways impacts of the development are considered to be acceptable.

20. b) Contamination risks on the site

In relation to the contamination risks on the site—

- (i) determine whether, as a result of the proposed change of use, taking into account any proposed mitigation, the site will be contaminated land as described in Part 2A of the Environmental Protection Act 1990, and in doing so have regard to the Contaminated Land Statutory Guidance issued by Secretary of State for the Environment, Food and Rural Affairs in April 2012, and
- (ii) if they determine that the site will be contaminated land, refuse to give prior approval.

21. The Council's Waste and Contaminated Land Officer has reviewed the application in relation to the contamination risks on the site, and based on the currently available information considers that the site is unlikely to be determined as contaminated land as described in Part 2A of the Environmental Protection Act 1990.
22. c) Flooding risks on the site
Where the application relates to prior approval as to the flooding risks on the site, on receipt of the application, the local planning authority shall consult the Environment Agency where the development is—
- a) in an area within Flood Zone 2 or Flood Zone 3; or
 - b) in an area within Flood Zone 1 which has critical drainage problems and which has been notified to the local planning authority by the Environment Agency for the purpose of paragraph (zc)(ii) in the Table in Schedule 4 to the Procedure Order.
23. The application site does not lie within flood zone 2 or 3, or an area that is susceptible to surface water flooding, based on Environment Agency mapping sources.
24. d) Impacts of noise from commercial premises on the intended occupiers of the development
The building is self-contained and although located relatively close to other commercial uses, including public houses and business premises, it is not considered that there would be noise of a frequency and volume that would have an unacceptable impact on the proposed dwellings. Indeed there are already other residential properties in the vicinity.
25. Other matters
The legislation states that the local planning authority shall, when determining an application, take into account any representations made as a result of any consultations or representations received and shall have regard to the National Planning Policy Framework (The Framework) issued by the Department for Communities and Local Government in March 2012, so far as relevant to the subject matter of the prior approval, as if the application were a planning application.
26. No consultee responses or representations have been received that would result in the proposal being unacceptable, and it is considered that the proposal accords with the aims of the Framework.
27. Community Infrastructure Levy (CIL)
The Chorley CIL Infrastructure Charging Schedule provides a specific amount for development. The CIL Charging Schedule was adopted on 16 July 2013 and charging commenced on 1 September 2013. The proposed development will be a chargeable development and the charge is subject to indexation in accordance with the Council's Charging Schedule.
28. Development commenced under general consent is liable to pay the Community Infrastructure Levy (CIL) if a new dwelling is being created (even if this is through a change of use). 'General consent' includes permitted development rights granted under the General Permitted Development Order 2015. Although not a reason for consideration under this application, the agent has been made aware of this and submitted the relevant CIL forms.
29. **CONCLUSION**
It is considered that the proposed change of use meets the criteria of the legislation. Prior approval is required and is granted subject to required conditions.

RELEVANT POLICIES: Schedule 2, Part 3, Class O of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended).

RELEVANT HISTORY OF THE SITE

Ref: 06/01071/ADV **Decision:** PERADV **Decision Date:** 28 November 2006
Description: An illuminated sign at site entrance, one sign at pedestrian walk way 3 No. directional signs around the carpark area one wall mounted to indicate CCTV and two wall mounted signs on the buildings

Ref: 07/00529/FUL **Decision:** PERFPP **Decision Date:** 5 July 2007
Description: Proposed erection of 5 metre CCTV tower

Ref: 00/00743/ADV **Decision:** PERADV **Decision Date:** 6 November 2000
Description: Display of three advertisement signs, two fronting Church Street and one fronting Park Road,

Ref: 97/00765/FUL **Decision:** PERFPP **Decision Date:** 19 December 1997
Description: Proposed 3 storey extensions to existing offices, the erection of a single storey laboratory building, and the provision of additional parking within the site,

Ref: 90/00311/FUL **Decision:** PERFPP **Decision Date:** 22 May 1990
Description: Erection of three-storey office block and car park

Suggested Conditions

The use of the building as a dwelling house must be completed within a period of 3 years starting with the date of this letter.

Reason: As required by Schedule 2, Part 3, Class O of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended).