

## **APPLICATION REPORT – 20/00031/FUL**

**Validation Date: 16 January 2020**

**Ward: Chorley South East**

**Type of Application: Full Planning**

**Proposal: 1) Change of use of ground floor to retail (Use Class A1), including replacement shop front. 2) Change of use of first and second floors to 2no. one-bedroom apartments, including raising of the roof to form flat roof and second floor accommodation within roof space, and reinstatement of first floor rear window (elevation B). 3) Conversion of existing two storey outbuilding to 1no dwellinghouse, including reinstatement of first floor window and insertion of ground floor window to rear elevation (elevation C).**

**Location: Happy Village Restaurant 109 Market Street Chorley PR7 2SQ**

**Case Officer: Amy Aspinall**

**Applicant: Mrs Kathryn Lichmann**

**Agent: Mr Adam Wenmouth**

**Consultation expiry: 10 February 2020**

**Decision due by: 27 June (Extension of time agreed)**

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### **RECOMMENDATION**

1. It is recommended that the application is approved subject to conditions.

### **SITE DESCRIPTION**

2. The application property is situated within the Town Centre boundary, as defined by the Chorley Local Plan Policies Map. The main property is three storeys and situated within a row of commercial premises. To the rear is a two storey outbuilding which forms part of the site, but has a frontage to Anderton Street.

### **DESCRIPTION OF PROPOSED DEVELOPMENT**

3. The application seeks planning permission for the change of use of the ground floor restaurant to a retail shop and the conversion of the upper floors to 2no. flats. Works to raise the roof and other alterations are also proposed. To the rear part of the site is a separate building which it is proposed to convert to a single dwellinghouse.

### **REPRESENTATIONS**

4. A representation has been received by the owner of 111 Market St, 1,3 & 5 Anderton Street. This states that the door to the right of their property, which currently is a passageway, has joint access to the owner of 109 Market St and they are unsure if the passageway included as part of the PROPSOED conversion works.

### **CONSULTATIONS**

5. Lancashire County Council Highway Services – Have no objection.
6. CIL Officers – Comment that the proposed development is CIL Liable.

## **PLANNING CONSIDERATIONS**

### Principle of development

7. The National Planning Policy Framework (the Framework) is clear that the Government's objective is to significantly boost the supply of homes and that it is important that a sufficient amount and variety of land can come forward where it is needed.

8. At paragraph 68 the Framework recognises that small sites can make an important contribution to meeting the housing requirement of an area and are often built-out relatively quickly. Local Planning Authorities are advised to support the development of windfall sites through their policies and decisions – giving great weight to the benefits of using suitable sites within existing settlements for homes.

9. Under Core Strategy policy 1, well located brownfield sites and Chorley Town are identified for the focus for growth and investment. The site is previously developed land, situated within the urban area of Chorley Town and lies within the defined Town Centre boundary. It is, therefore, in a highly sustainable location, with access to amenities, services and transport options. It is a sequentially preferable location for retail, which is defined as a main town centre, use and policy is supportive of housing in such areas.

10. The principle of development is acceptable in planning policy terms.

### Design

11. The proposed development involves raising the roof of the main building in order to provide accommodation at second floor. In terms of the streetscene, there would be little discernible difference from Market Street as the roof pitch at the front of the building would remain, with the proposed works behind. To the rear, alterations are proposed to the outbuilding, such as the reinstatement of a window and the insertion of an additional window to the front elevation, and it is considered that the proposed works and overall investment into the property which is lacking in any maintenance, would result in an enhancement of the building within the street scene.

12. The alterations and works proposed are considered to be acceptable in design terms and would accord with policy BNE1 of the Chorley Local Plan 2012 - 2026.

### Impact on amenity

13. The application proposes the creation of 2no. flats within the main building, each having an open plan kitchen/ living area, with natural light afforded from the main windows facing onto Market Street. Bedrooms would also be afforded natural light from a primary window. The separate dwellinghouse would accommodate open-plan living at ground floor, with three bedrooms at first floor. None of the properties would benefit from any outdoor amenity space, however, this is not unusual for a residential conversion of town centre commercial buildings. There is, however, access to public open space in the area which future residents could enjoy.

14. The application is accompanied by a noise assessment which assesses the noise impacts and provides mitigation and recommendations. A condition could secure the suggested recommendations and would ensure that future occupiers are not adversely affected by noise impacts from surrounding businesses, including a public house.

15. Given the location and the mix uses, and subject to appropriate conditions, it is not considered that the amenity of neighbouring occupiers or future residents of the development would be adversely affected.

### Highway safety

16. Lancashire County Council Highways have assessed the application and have raised no objection. Whilst no parking is proposed to serve the development, they consider the existing use as a restaurant would generate more vehicle movements and would have a requirement for a greater number of parking spaces than the proposed use. They also consider that the site is in a sustainable location situated within Chorley Town Centre, which is well served by public transport and where most services, facilities and amenities are within acceptable walking distances. In addition, they confirm that the site is also in close proximity to a number of Local Authority public car parks.

17. Having regard to the above, it is not considered that the proposed development would be detrimental to highway safety and, therefore, accords with policy BNE1 (d) of the Chorley Local Plan 2012 – 2026.

#### Public open space

18. Policy HS4 of the Chorley Local Plan 2012 - 2026 requires public open space contributions for new dwellings to be provided in order to overcome the harm of developments being implemented without facilities being provided.

19. Until recently, National Planning Practice Guidance (NPPG) previously set out that planning obligations should not be sought from developments of 10 or less dwellings. Based on local circumstances, the Council, as the decision-maker, decided to only seek contributions towards provision for children/young people on developments of 10 dwellings or less.

20. Although the application proposes 3no. residential units in total, there is only a net gain of 2no. units. The Council must decide how much weight to give to the benefit of receiving a payment for residential developments of 1 or 2 dwellings which would generate a contribution of £268. It is considered that the benefit of securing a public open space contribution on the basis of two units would not outweigh the high cost of managing the end to end process of delivering those improvements, and would not be commensurate to the benefit. Therefore, a public open space commuted sum is not requested for this scheme.

#### Other matters

21. Shared access at Anderton Street – the plans do not include the conversion of the shared passageway.

### **CONCLUSION**

22. The application proposes a sustainable form of development within Chorley Town Centre, and would contribute to the Council's housing land supply. The proposed development is acceptable in design terms, would not adversely affect residential amenity, and would not be detrimental to highway safety. It is, therefore, recommended that the application is approved subject to conditions.

#### Suggested conditions

23. To follow.

**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.

### **RELEVANT HISTORY OF THE SITE**

**Ref:** 5/1/02319      **Decision:** PERFPP      **Decision Date:** 30 September 1964  
**Description:** Change of use from Radio and T.V Shop to Chinese Restaurant

**Ref:** 5/1/00645      **Decision:** PERFPP      **Decision Date:** 8 December 1954  
**Description:** New shop frontage

**Ref:** 5/1/00473      **Decision:** PERFPP      **Decision Date:** 14 December 1952  
**Description:** Change of use from shop and dwellinghouse to office and dwellinghouse

**Ref:** 5/1/00646      **Decision:** PERFPP      **Decision Date:** 8 December 1954  
**Description:** Shop sign

**Ref:** 89/00500/FUL      **Decision:** PERFPP      **Decision Date:** 17 August 1989  
**Description:** Alterations and new frontage in connection with restaurant use

**Ref:** 89/00600/ADV      **Decision:** PERFPP      **Decision Date:** 25 January 1990  
**Description:** Display of illuminated fascia sign