

APPLICATION REPORT – 21/00675/FUL

Validation Date: 27 May 2021

Ward: Chorley North West

Type of Application: Full Planning

Proposal: Change of use of the upper floors from ancillary retail storage space (Use Class E) to eight residential apartments (Use Class C3), and external alterations to the rear elevation

Location: 5 - 7 New Market Street Chorley PR7 1DB

Case Officer: Johndaniel Jaques

Applicant: Maryland Securities Ltd

Agent: Miss Victoria Welch, WSP

Consultation expiry: 3 August 2021

Decision due by: 14 September 2021 (Extension of time agreed)

RECOMMENDATION

1. That permission is granted subject to conditions and the signing of a S106 legal agreement relating to a commuted sum of £1,072 in lieu of on-site open space provision.

SITE DESCRIPTION

2. The application relates to the upper floors of the former Bright House retail unit at 5-7 New Market Street at the junction of New Market Street with Market Place in Chorley Town Centre. The site lies within the Primary Shopping Area and is a Primary Shopping Frontage. It has been vacant for over a year and prior to its closure in March 2020, the upper floors were used as ancillary storage to the retail unit below.

DESCRIPTION OF PROPOSED DEVELOPMENT

3. The application seeks planning permission for the change of use of the upper floors from ancillary retail storage space (Use Class E) to eight residential apartments (Use Class C3) and external alterations to the rear elevation. Six of the proposed apartments would be 1no. bedroom and the other two apartments would be 2no. bedroom. The proposed external alterations involve bricking up the rear access doorway and reopening a currently bricked up window opening on the rear elevation at first floor level.
4. The proposed apartments would be accessed via New Market Street at ground floor level, where there would also be communal bin storage and cycle parking. The bins would be put out on collection day by a management company, via an existing roller shutter door onto New Market Street.
5. No vehicular parking is proposed.

REPRESENTATIONS

6. No representations have been received.

CONSULTATIONS

7. Environmental Health – Have no objections in principle, however, details regarding the use of sustainable energy should be provided as well as further consideration regarding noise, given the town centre location.
8. Lancashire County Highway Services – Have no objections.
9. Waste & Contaminated Land – Have no objections and welcomes the provision of adequate bin storage.
10. CIL Officers – Comments that the development would be CIL liable.

PLANNING CONSIDERATIONS

Principle of development

11. 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.
12. At paragraph 69 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.
13. Policy 1 of the Central Lancashire Core Strategy identifies Chorley Town as the focus for growth and investment in the borough on well-located brownfield sites.
14. The site is situated within the defined boundary of Chorley Town Centre and is in a highly sustainable location, with access to amenities, services and transport options and policy is supportive of housing in such areas.
15. The proposal would not impact on the ground floor retail unit so there would be no conflict with policy EP6 of the adopted Chorley Local Plan 2012-2026, which seeks to ensure that uses do not undermine the town centre's role as a shopping area.
16. The principle of development is acceptable in planning policy terms.

Design

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 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. In terms of the streetscene, there would be no difference from views from Market Street as no alterations are proposed to the front elevation. To the rear, minor alterations are proposed (bricking up of a door and reopening of a window), but these are of minor significance with little discernible difference apparent. The works and overall investment into the property

which is lacking in any maintenance, would result in an enhancement of the building within the streetscene.

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

Impact on amenity

20. 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 development would not cause harm to any neighbouring property by virtue of overlooking, overshadowing, or by creating an overbearing impact.

21. The application proposes 8no. flats, with most having an open plan kitchen/ living area, with natural light afforded to all. Bedrooms would also be afforded natural light from a primary window. No outdoor amenity space would be provided, however this is not unusual for a residential conversion of town centre buildings. There is, however, access to public open space in the area which future residents could enjoy.

22. In relation to noise, the applicant has confirmed that robust detailing is to be used to satisfy Building Regulations, along with a post completion sound testing to ensure current acoustic legislation is adhered to. It is also the case that in a town centre location such as this future occupiers would be aware of the situation with the potential that some noise and disturbance would occur, if they choose to live in this location.

23. Given the location, it is not considered that the amenity of neighbouring occupiers or future occupiers of the development, would be adversely affected, therefore, the proposal accords with policy BNE1 of the Chorley Local Plan 2012-2026 in respect of amenity considerations.

Highway safety

24. Policy BNE1 (d) of the Chorley Local Plan 2012-2026 sets out that 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 stated standards unless there are other material considerations which justify the reduction.

25. Lancashire County Council Highway Services have assessed the application and have raised no objection. Whilst no parking is proposed to serve the development, the site is situated within Chorley Town Centre, which is well served by public transport and where most services, facilities and amenities are within acceptable walking distances.

26. Having regard to the above, it is not considered that the proposal would be detrimental to highway safety and, therefore, accords with policy BNE1 of the Chorley Local Plan 2012-2026 in respect of highway safety considerations.

Public open space

27. 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.

28. Until recently the National Planning Practice Guidance (NPPG) previously set out a threshold for tariff-style contributions, stating that planning obligations should not be sought from developments of 10 or less dwellings and which have a maximum combined floorspace of no more than 1000 square metres. This guidance has been removed from the latest NPPG and has been replaced with a requirement that planning obligations for affordable housing should only be sought for residential developments that are major developments.

29. Specifically, the guidance was derived from the order of the Court of Appeal dated 13 May 2016, which gave legal effect to the policy set out in the Written Ministerial Statement of 28 November 2014 which has not been withdrawn and which should, therefore, clearly still be taken into account as a material consideration in the assessment of planning applications.
30. To this end whilst it would normally be inappropriate to require any affordable housing or social infrastructure contributions on sites below the thresholds stated, local circumstances may justify lower (or no) thresholds as an exception to the national policy. It would then be a matter for the decision-maker to decide how much weight to give to lower thresholds justified by local circumstances.
31. Consequently, the Council must determine what lower thresholds are appropriate based on local circumstances as an exception to national policies and how much weight to give to the benefit of requiring a payment for 10, or fewer, dwellings. The Council has agreed to only seek contributions towards provision for children/young people on developments of 10 dwellings or less.
32. There are open space sites for children/young people within the accessibility catchment of the site that are identified as being low quality and/or low value in the Open Space Study, and as such a contribution towards improvements to these sites is required from this development. The amount required is £134 per dwelling. Therefore, a financial contribution of £1,072 towards improvements to these sites is required from this development, which is to be secured through a S.106 obligation.

Sustainability

33. Although Policy 27 of the Core Strategy relates to the sustainability of new dwellings this does not apply to apartments. The applicant has however, provided information relating to reducing energy consumption in relation to the comments of the Environmental Health Officer, and it is considered that the use of the strategies outlined would improve the sustainability of the scheme overall and as such it is considered acceptable in this regard.

Coal risk

34. Although the site lies in the High Risk Coal Referral Area, it is not considered that the proposal would be likely to be affected by this given the nature of the application which is a change of use. Notwithstanding this, an informative is recommended to make the applicant aware of it.

CONCLUSION

35. The application proposes a sustainable form of development within Chorley Town Centre, and would contribute to the Council's housing land supply. The proposal is acceptable in design terms, would not adversely affect residential amenity, and would not be detrimental to highway safety. It would provide a financial contribution in lieu of open space provision. The proposed development is recommended for approval, subject to conditions and the signing of a S106 agreement relating to a commuted sum of £1,072 in lieu of on-site open space provision.

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: 87/00578/FUL **Decision:** PERFPP **Decision Date:** 4 September 1987
Description: New shop front entrance doors side loading door fascia and rear cold room extension

Ref: 21/00230/P3PAC **Decision:** PAAPP **Decision Date:** 22 April 2021
Description: Prior approval application under Part 3, Class C of The Town and Country (General Permitted Development) Order 2015 (as amended) to change shop (Use Class A1) to a cafe (Use Class A3)

Ref: 87/00579/ADV **Decision:** PERFPP **Decision Date:** 8 September 1987
Description: Display of illuminated shop sign

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
Location Plan	(90)A001	27 May 2021
Site Plan	(90)A002	27 May 2021
Existing ground floor plan	(-9)A001	27 May 2021
Existing first floor plan	(-9)A002	27 May 2021
Existing second floor plan	(-9)A003	27 May 2021
Existing roof plan	(-9)A004	27 May 2021
Existing front and side elevations	(-9)A005	27 May 2021
Existing rear elevation	(-9)A006	27 May 2021
Proposed ground floor plan	(20)A001	27 May 2021
Proposed first floor plan	(20)A002	27 May 2021
Proposed second floor plan	(20)A003	27 May 2021
Proposed roof plan	(20)A004	27 May 2021
Proposed front and side elevations	(20)A005	27 May 2021
Proposed rear elevations	(20)A006	27 May 2021

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

3. All external facing materials of the development hereby permitted shall match in colour, form and texture to those on the existing building and no others substituted unless alternatives are first submitted to and agreed in writing by the Local Planning Authority, when the development shall then be carried out in accordance with the alternatives approved.

Reason: In the interests of the visual amenity of the area in general and the existing building in particular.

4. Before the development hereby permitted is first occupied, provision for cycle parking, in accordance with the approved details shown on drawing (20)A001 - Proposed ground floor plan, shall have been provided in all respects and made available for use, and shall thereafter be retained.

Reason: To ensure adequate on site provision for cycle parking.