

Item 1 **10/00202/FULMAJ**

Case Officer **Caron Taylor**

Ward **Chorley North West**

Proposal **Demolition of existing redundant building and construction of mixed use scheme including commercial use of ground floor and basement levels and 10 residential apartments on 3 upper floors (Extension to the time limit for implementing planning approval reference 04/00937/FULMAJ)**

Location **Garside & Son Plumbers 5 - 9 Queens Road Chorley Lancashire PR7 1JU**

Applicant **BPS Estates Ltd**

Consultation expiry: 26 May 2010

Application expiry: 14 June 2010

Proposal

1. This application is for the demolition of an existing redundant building and construction of mixed use scheme including commercial use of ground floor and basement levels and 10 residential apartments on 3 upper floors.
2. It should be noted that this proposal was approved on 21st June 2007 and expires on 21st June 2010, it has not been started. This is an application to extend the time limit for implementing the planning approval, which results in a new planning permission being granted.
3. The application is being made under the procedure brought in by the Government on 1 October 2009 to extend the time limit for implementing the permission previously granted. This was introduced in order to make it easier for developers to keep planning permissions alive for longer during the economic downturn. A new planning permission is applied for to replace the existing permission which will lapse in June this year.

Recommendation

4. It is recommended that the extension to the time limit, through the granting of a new planning permission is approved subject to satisfactory details being received in relation to sustainable resources (Policy SR1) and the signing of a s106 agreement (or a supplemental to the original s106) in relation to a Public Open Space payment.

Main Issues

5. The main issues are bulleted below, however see assessment at point 10 below as the application is for the renewal of a previous permission.
 - Principle of the development
 - Access and parking
 - Design and Appearance
 - Impact on neighbour amenity
 - Impact on Listed Buildings
 - Section 106 Agreement

Representations

6. Nine letters of objections have been received, eight of which are copies of the same letter signed by different residents. The issues they raise are:
- The proposal will block views of the Town Hall Clock Tower
 - Traffic volume and speeds should be restricted along Queens Road. Concerns over increased traffic. Queens Road is a rat run with serious traffic problems that further commercial traffic will exacerbate
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 - The proposal is opposite a Conservation Area and surrounded by historic buildings. The plans are out of character with the area and detrimental to the Queens Road neighbourhood.
 - Do not object in principle to a residential development but feel a four storey building is inappropriate in the area. It will take natural light away from the road and privately owned properties. Also, any development must be sympathetic to the surrounding historic environment.

Consultations

7. Planning Policy since the grant of the original permission the Council have adopted a Sustainable Development Document (September 2008) and a Sustainable Resources Supplementary Planning Document (March 2009). Policy SR1 – Incorporating Sustainable Resources into New Development applies. All planning applications for new built development of 5 or more dwellings or non-residential units of 500 sq metres or more must be accompanied by an Energy Efficiency/Resource Conservation Statement.
8. Chorley's Conservation Officer advises the proposal is close but not adjacent to listed buildings St Laurence's Church and The Swan with Two Necks, Hollinshead Street. Having examined the details from the previous application it is their opinion that the proposal will not impact upon either the special qualities of the listed buildings or their settings and the proposal will enhance the appearance of the townscape at this point and is a considerable improvement on the current structures that occupy the site. The design chosen is contemporary, but at the same time shows respect for its setting. Critical to the success of the scheme will be the type and quality of materials chosen and the quality of construction and finish.
9. Lancashire County Council Archaeology advise that a condition should be applied in relation to a programme of archaeological work.

Assessment

10. Guidance issued by the Department of Communities and Local Government states that when determining such applications the development will by definition have been judged to be acceptable in principle at an earlier date (in this case by permitting application 04/00937/FULMAJ). While such applications must be made in accordance with the plan unless material considerations indicate otherwise, Local Planning Authorities should in making their decision focus their attention on development plan policies and other material consideration which may have changed significantly since the original grant of planning permission.
11. In terms of assessing the application the policies that the original application was assessed against that remain relevant are HS6 (criteria 2, criteria 1 does not apply because the Structure Plan has been superseded), HS11 and HS12 (in relation to the residential element) and EM6 (in relation to the commercial element). There has not therefore been a change in policy since the original permission other than policy SR1 as stated above.

12. Although the comments raised by local residents are noted, it is not considered there has been a change in material considerations in relation to the issues they raise since the original permission was granted.
13. The agent has been made aware of the requirement for an Energy Efficiency/Resource Conservation Statement and it is recommended that the application be approved subject to this being received and it is satisfactory.
14. The original permission has a legal agreement associated with it in relation to a payment towards Public Open Space. The payment required by the Council has reduced since the original permission (as it is now only for provision, not maintenance as well, in line with Circular 05/2005) and a new s106/supplemental to the original is being progressed through the Council's legal department to secure this.
15. LCC Archaeology request a condition, but this was not applied to the original permission (which is still extant) and is not the result of a change in material considerations. It is not therefore considered it would meet the test in Circular 11/95 and therefore it is not proposed to apply such a condition.

Overall Conclusion

16. Other than policy SR1 it is not considered there has been a change in policy or material considerations since the original permission was granted. The application is therefore recommended for approval subject to a satisfactory Energy Efficiency/Resource Conservation Statement being received (and any necessary condition to secure this being applied) and a s106 agreement (or supplemental to the original agreement) to for a commuted sum payment towards public open space being signed, both before the statutory target date.

Planning Policies

Adopted Chorley Borough Local Plan Review

Policies:

HS6, HS11, HS12, EM6.

Sustainable Development Document (September 2008) and a Sustainable Resources Supplementary Planning Document (March 2009).

**Recommendation: Permit Full Planning Permission
Conditions**
