

APPLICATION REPORT – 24/00115/P3PAN

Validation Date: 7 February 2024

Ward: Chorley North West

Type of Application: Prior Approval from Retail to Dwelling

Proposal: Prior approval application under Schedule 2, Part 3, Class M(a) of The Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) for the proposed change of use of no. 20 St Thomas Road from Commercial, Business and Service (Use Class E) to 2no. 1 bedroom flats and 1no. 2 bedroom flat

Location: Yates Barns 20 St Thomas Road Chorley PR7 1HR

Case Officer: Chris Smith

Applicant: Mr Ben Gilkes

Agent: Mr Ben Gilkes

Consultation expiry: 7 March 2024

Decision due by: 2 April 2024

RECOMMENDATION

1. Prior approval is required, and it is recommended that it should be granted.

SITE DESCRIPTION

2. The application site is located within the settlement area of Chorley as defined by the Chorley Local Plan 2012-2026 on the northern side of St Thomas Road. The site is a two-storey semi-detached property accommodating offices for a legal business. The immediate locality is a densely built-up urban environment approximately 60m to the west of Chorley Town Centre and it contains a mix of uses including terraced residential properties immediately to the north and a range of commercial and legal services businesses to the west and east of the site along St Thomas Road.

DESCRIPTION OF PROPOSED DEVELOPMENT

3. This is an application for prior approval under Part 3, Class M(a) of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended), for the proposed change of use of no. 20 St Thomas Road from Commercial, Business and Service use (Use Class E) to 2no. 1-bedroom flats and 1no. 2 bedroom flat.

REPRESENTATIONS

4. No representations have been received.

CONSULTATIONS

5. Chorley Council's Environmental Health Officer – Have not provided any comments.

6. Chorley Council's Waste & Contaminated Land Officer – Have stated that based on the available information, the Council currently has no concerns over ground contamination in relation to the site and the site is unlikely to be determined as contaminated land.
7. Lancashire Highway Services (LCC Highways) – Have stated that they cannot support the application due to the way in which cars currently access the existing car parking space and it is recommended that no off-street car parking is provided. LCC consider that the site is within a sustainable location with bus stops within close vicinity to the site and no off street car parking would be acceptable for the proposed three dwellings.

PLANNING CONSIDERATIONS

Procedural matters –

8. Part 3, Class M(a) of The Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended), permits development consisting of a change of use of a building and any land within its curtilage from a use falling within Class E (commercial, business and service) of Schedule 2 to the Use Classes Order to a use falling within Class C3 (dwellinghouses) of Schedule 1 to that Order.

Assessment –

9. Development is not permitted by Class M(a) (assessment in bold):

- (a) unless the building has been vacant for a continuous period of at least 3 months immediately prior to the date of the application for prior approval;

The application form submitted with the application states that the building has been vacant for at least 3 months prior to the date of the application (7 February 2024) and there is no evidence to indicate that there have been any intervening uses during this timeframe. On this basis it is considered that the building has been vacant for more than 3 months prior to the date of the submission of the prior approval application.

- (b) unless the use of the building fell within one or more of the classes specified in subparagraph (2) for a continuous period of at least 2 years prior to the date of the application for prior approval;

The statement submitted with the application asserts that the property is a large semi-detached late Victorian/Edwardian residence which has been converted and used for many years as offices by a firm of solicitors. The Council granted planning permission for the conversion of the property to a residential use in June 2015 (ref. 14/00324/FUL), however, there is no evidence that the property was converted and the application form submitted with the application states that the building has been used for a continuous period of at least 2 years immediately prior to the date of the application for a commercial, business and service use (Use Class E).

Consequently, given that there is no evidence to indicate that there has been any material change of use of the building from its lawful use as offices for a solicitors firm, it is considered that the established lawful use of the building would have fallen within Use Class B1(a) (offices) of the Town and Country Planning (Use Classes) Order 1987 prior to the introduction of the updated Use Classes in September 2021.

Use Class B1 is specified at subparagraph 2 of this part of the GPDO and the development, therefore, accords with the above criteria (b).

- (c) if the cumulative floor space of the existing building changing use under Class MA exceeds 1,500 square metres;

The cumulative floorspace of the existing building is less than 1,500 square metres.

- (d) if land covered by, or within the curtilage of, the building—
- (i) is or forms part of a site of special scientific interest;
 - (ii) is or forms part of a listed building or land within its curtilage;
 - (iii) is or forms part of a scheduled monument or land within its curtilage;
 - (iv) is or forms part of a safety hazard area; or
 - (v) is or forms part of a military explosives storage area;

There is no conflict with the above criteria (d) (i to v).

- (e) if the building is within—
- (i) an area of outstanding natural beauty;
 - (ii) an area specified by the Secretary of State for the purposes of section 41(3) of the Wildlife and Countryside Act 1981;
 - (iii) the Broads;
 - (iv) a National Park; or
 - (v) a World Heritage Site;

There is no conflict with the above criteria (e) (i to v).

- (f) if the site is occupied under an agricultural tenancy, unless the express consent of both the landlord and the tenant has been obtained;

The site is not occupied under an agricultural tenancy.

- (g) before 1 August 2022, if—
- (i) the proposed development is of a description falling within Class O of this Part as that Class had effect immediately before 1st August 2021; and
 - (ii) the development would not have been permitted under Class O immediately before 1st August 2021 by virtue of the operation of a direction under article 4(1) of this Order which has not since been cancelled in accordance with the provisions of Schedule 3.

A direction under article 4(1) of this Order does not apply to the site.

Prior approval -

10. Development under Class MA is permitted subject to the condition that before beginning development under Class MA, the developer must 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 impacts of the development, particularly to ensure safe site access;
- (b) contamination risks in relation to the building;
- (c) flooding risks;
- (d) impacts of noise from commercial premises on the intended occupiers of the development;
- (e) where— (i) the building is located in a conservation area, and (ii) the development involves a change of use of the whole or part of the ground floor, the impact of that change of use on the character or sustainability of the conservation area;
- (f) the provision of adequate natural light in all habitable rooms of the dwellinghouses;
- (g) the impact on intended occupiers of the development of the introduction of residential use in an area the authority considers to be important for general or heavy industry, waste management, storage and distribution, or a mix of such uses; and
- (h) where the development involves the loss of services provided by—
 - (i) a registered nursery, or
 - (ii) a health centre maintained under section 2 or 3 of the National Health Service Act 2006, the impact on the local provision of the type of services lost; and
- (i) where the development meets the fire risk condition, the fire safety impacts on the intended occupants of the building.

11. Considering each of the above in turn:

a) Transport and highways impact of the development

LCC Highways have stated that they cannot support the application in its current form on the basis that the provision of 2no. off road car parking spaces to front of the property alongside St Thomas Road would not be acceptable as cars would need to drive into the frontage using the pedestrian footway. They stated that this is a highway safety concern due to St Thomas Road being the A581 with a high volume of traffic. However, it is noted that the site frontage has been used for off road car parking for the previous use of the site as offices and benefits from access from the highway via a dropped kerb, which is acknowledged by LCC. It is not considered that off road car parking for the proposed development would have a significantly greater or more adverse impact on highway safety than the current arrangement, which can continue in any event should the lawful use of the building as offices be retained. Furthermore, it is not considered that there would be a material change in the amount of traffic in the vicinity of the site as a result of the development or that the proposed development would attract a greater number of vehicles than the previous use of the building as offices.

Policy ST4 of the Chorley Local Plan 2012-2026 requires that proposals for development need to make parking provision in accordance with the standards set out in Appendix A of the Local Plan. Appendix A identifies the Council's minimum parking standards for new development as the provision of 3 spaces for a development of the type proposed i.e. 2no. one-bedroom dwellinghouses and 1no. two-bedroom dwellinghouse. Although the development would result in an under provision of 1no. space, this compares favourably with the existing use of the site as offices which generates a greater requirement for 7.5 spaces under Policy ST4, and thus there is currently a greater level of under provision than that which would occur as a result of the development now proposed.

LCC Highways also stated that the site has access to a storage unit from Springfield Road, which is not shown within the red edge of the site and, therefore, the plans should show the status of this land from the adopted public highway to the storage unit, along with an area marked for safe pedestrian access. However, the applicant's agent clarified that this land does not fall under the applicant's ownership. Consequently, the Council cannot require the submission of the information requested by LCC Highways.

Overall it is not considered that the proposed development would prejudice highway or pedestrian safety or have any adverse impact on highway amenity or capacity.

b) Contamination risks on the site

The Council currently has no concerns over ground contamination in relation to this site and the site is unlikely to be determined as Contaminated Land.

c) Flooding risks

Paragraph W.6 of Part 3 of the GPDO states:

Where an application relates to prior approval as to the flooding risks on the site, on receipt of the application, the local planning authority must 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.*

In this case the application site does not lie within flood zone 2 or 3, or an area that is susceptible to surface water flooding.

d) Impacts of noise from commercial premises

There are several commercial premises located within the immediate locality including several legal and commercial business on either side of the site along St Thomas Road. However, it is considered that these are relatively low intensity daytime uses that would have a negligible impact on the amenity of the future occupiers of the proposed flats.

e) Impacts on character or sustainability of the Conservation Area

The site is not located in a Conservation Area.

f) Provision of adequate natural light in all habitable rooms

Proposed floor plans have been submitted which show that all habitable rooms would benefit from windows, and it is considered, therefore, that future habitable rooms would receive adequate levels of natural light.

g) Impact on intended occupiers of the development of residential use in an area the authority considers to be important for general or heavy industry, waste management, storage and distribution, or a mix of such uses

It is not considered that the site is located within an area that is important for heavy industry, waste management, storage and distribution, or a mix of such uses as none of these uses are evident within the immediate locality.

h) where the development involves the loss of services provided by—

(i) a registered nursery, or

(ii) a health centre maintained under section 2 or 3 of the National Health Service Act 2006, the impact on the local provision of the type of services lost;

The development would not involve the loss of services provided by a registered nursery, or a health centre maintained under section 2 or 3 of the National Health Service Act 2006.

i) Where the development meets the fire risk condition, the fire safety impacts on the intended occupants of the building

Paragraph MA.3 states that development meets the fire risk condition if it relates to a building which would contain two or more dwellinghouses and satisfies the height condition in paragraph (3), read with paragraph (7), of article 9A (fire statements) of the Town and Country Planning (Development Management Procedure) (England) Order 2015.

Whilst the proposed development relates to a building which would contain 2no. dwellinghouses, the height condition at paragraph 3 of the Town and Country Planning (Development Management Procedure) (England) Order 2015 states that:

(3) *The height condition is that—*

(a) the building is 18 metres or more in height; or

(b) the building contains 7 or more storeys.

However, the proposed development relates to a building which would be less than 18m in height and it would contain fewer than 7 storeys and, therefore, the fire risk condition is not applicable in this instance.

CONCLUSION

12. It is considered that the proposed change of use meets the criteria of the legislation. It is recommended, therefore, that prior approval is required and that it is granted subject to required conditions.

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

Suggested Conditions

1. The development 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 MA of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended)

2. The building permitted to be used as dwellinghouses shall remain in use as dwellinghouses within the meaning of Class C3 of Schedule 1 to the Use Classes Order and for no other purpose, except to the extent that the other purpose is ancillary to the use as a dwellinghouse.

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

3. The development hereby permitted shall be carried out in accordance with the approved plans below:

Title	Plan Ref	Received On
Location Plan	SD5817NW	9 February 2024
Ground Floor – Proposed	N/A	19 March 2024
First Floor – Proposed	N/A	19 March 2024

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

RELEVANT HISTORY OF THE SITE

Ref: 76/00337/FUL **Decision:** PERFPP **Decision Date:** 15 June 1976
Description: Change of use of 1st floor offices to Art Gallery with retail outlet

Ref: 77/00211/FUL **Decision:** PERFPP **Decision Date:** 14 April 1977
Description: Double garage

Ref: 14/00324/FUL **Decision:** PERFPP **Decision Date:** 12 June 2015
Description: Proposed change of use from solicitors office (A2) to residential (C3)