

## **APPLICATION REPORT – 24/01113/FULMAJ**

**Validation Date: 3 January 2024**

**Ward: Chorley North West**

**Type of Application: Major Full Planning**

**Proposal: Erection of building comprising 3no. commercial units and 52no. apartments with landscaping and other associated works following demolition of the Magistrates Court building**

**Location: Magistrates Court St Thomas Road Chorley PR7 1HR**

**Case Officer: Mr Iain Crossland**

**Applicant: Mr M Walker Williams**

**Agent: Paige Linley**

**Consultation expiry: 8 February 2024**

**Decision due by: 9 August 2024**

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### **RECOMMENDATION**

1. It is recommended that planning permission is granted subject to conditions.

### **SITE DESCRIPTION**

2. The application site comprises Chorley Magistrates Court, which is located in a central location in Chorley within the Town Centre boundary and in the core settlement area of Chorley. The magistrates court building has been vacant for some time and forms part of a complex that was developed with the adjacent Lancashire Constabulary Police Headquarters. The Magistrates Court building is a simple building of the modernist design philosophy.
3. The site lies to the north side of St Thomas's Square with Chorley Police Station to the west and Chorley Town Hall to the east. The adjacent police station building is a tall building in relation to existing development within Chorley and extends to approximately seven storeys at its maximum height and is a brutalist building also of the modernist design philosophy. Chorley Town Hall to the east side is a sandstone building that is locally listed and so is a non-designated heritage asset. The building is of a traditional Italianate design style with the main feature of interest being a central clock tower situated to the east side of the building, which forms the frontage. As such the rear of the town hall building faces onto the Square. On the south side of the Square is St Thomas's Road, beyond which is an open vacant area of land that is informally used for the parking of vehicles and has planning permission for a block of apartments.
4. The character of the locality is mixed and consists of a variety of commercial, leisure, residential and civic uses, with a variety of building types and design styles in evidence utilising a range of materials.

## **DESCRIPTION OF PROPOSED DEVELOPMENT**

5. This application seeks planning permission for the erection of a building comprising 3no. commercial units and 52no. apartments with landscaping and other associated works, following the demolition of the existing Magistrates Court building. The building would consist of 12 floors including 1no. basement / subterranean level, 1no. inset level of ground floor, 8no. full scale levels above this and 2no. inset penthouse levels to the roof with plant room above. The building would be approximately 42m in height at its highest point and would be of a modern design incorporating inset balconies, penthouse balcony areas and a communal roof garden. The site would include a covered cycle store, 2 no. accessible parking spaces, a servicing / drop off area and some landscaping and tree planting.

## **REPRESENTATIONS**

6. Representations in objection have been received from 4no. addresses raising the following concerns:
  - Lack of parking provision
  - The height of the building
  - Overdevelopment of the site and impact on the character of the area
  - Impact on the amenity of nearby residential occupiers
  - Provision of bins / waste storage
  - Overshadowing of nearby buildings
  - Harm to the setting of the Town Hall and St Lawrence church conservation area
  - Parking issues on nearby streets
  - Could affect future development opportunities for the Police Station site
  - Should be a joint development proposal with the police station site
  - Absence of affordable housing

## **CONSULTATIONS**

7. Waste & Contaminated Land: No objection subject to the provision of a geo environmental survey and report.
8. Lancashire Highway Services: No objections subject to conditions.
9. Lead Local Flood Authority: No objection subject to conditions including details of the final surface water drainage strategy.
10. Lancashire Constabulary: objects to the application on the basis of concerns over the height of the proposed building and the potential for interference with telecommunications infrastructure.
11. United Utilities: No objections subject to condition.
12. Greater Manchester Ecology Unit: No objections.
13. Lancashire Fire and Rescue Service: No comments received.
14. The Coal Authority: No objection subject to conditions.
15. Lancashire County Council (Education): An education contribution is not required at this stage in regard to this development.

## **PLANNING CONSIDERATIONS**

### Principle of the development

16. The National Planning Policy Framework (The Framework) states that housing applications should be considered in the context of the presumption in favour of sustainable development. This means that development proposals that accord with the development plan should be approved without delay. One of the core principles of National Planning

Policy Framework (the Framework) is that development should be focussed in locations that are sustainable. It is considered that the site is located in a highly sustainable location with good access to public transport and a wide range of amenities.

17. Chorley town is identified as a key service centre and the focus of growth and investments under Central Lancashire Core Strategy policy 1(b). Policy 11 of the Core Strategy focuses on retail and town centre uses and business based tourism. This states that retail and town centre uses will be delivered in the following ways that relate to Chorley:  
*c) Maintaining and improving the vitality and viability of Chorley town centre by building on the success of the Market Walk shopping centre, through investing in further retail development, supporting a range of other retailers and services, as well as improving the centre's appearance and accessibility.*  
*f) focusing main town centre uses in the defined town centres.*
18. The application site is within the core settlement area of Chorley designated by policy V2 of the Chorley Local Plan 2012 - 2026. Within these areas there is a presumption in favour of appropriate sustainable development, subject to material planning considerations and compliance with other Development Plan policies.
19. Although the application site is within the town centre boundary, it is not within a primary or secondary shopping frontage and as such there are no specific policies that relate directly to the site itself. The Local Plan states at paragraph 6.30 that;  
*Chorley Town Centre will be the focus for new retail development. This will maintain and improve the vitality and viability of the town centre to fulfil its Key Service role. [...] The types of uses considered appropriate for town centres are set out in the Framework and include retailing, leisure, entertainment, office, arts, cultural and tourist facilities including hotels, all of which are sustained by good accessibility by a choice of means of transport.*
20. The role of town centres and their vitality levels have altered since the Local Plan was adopted in 2015, and it is widely recognised that town centres need to diversify away from a binary retail focus in order to maintain vitality. In order to support this the Government have legislated to allow for changes of use from various town centre uses to residential within the Town and Country Planning (General Permitted Development) (England) Order 2015 and have updated the Town and Country Planning (Use Classes) Order 1987 for the first time since 1987 to include a new class covering commercial, business and service uses to reflect these changes.
21. Alongside this the NPPG (Paragraph: 001 Reference ID: 2b-001-20190722) provides further information on maintaining town centre vitality, stating that:  
*A wide range of complementary uses can, if suitably located, help to support the vitality of town centres, including residential. [...] Residential development in particular can play an important role in ensuring the vitality of town centres, giving communities easier access to a range of services.*
22. This clearly demonstrates that opportunities to increase the immediate catchment of consumers within a town centre through residential development should be considered where appropriate. The inclusion of commercial units at ground floor would provide space for a range of potential businesses that would help to provide an active frontage and amenities within the town centre that would help to contribute towards its vitality and viability in line with the aims of the local plan. The site itself is prominent and although the current building is of some architectural interest and does not detract from the character of the area in any particular way it is recognised that it has been vacant for some time with little prospect of reuse, given the age and configuration of a building that was designed for a specific purpose. The current site is not protected under any local plan policy or designation and the proposed development provides an opportunity to create a landmark building that has the potential for a regenerative impact on the town centre.
23. On this basis, it is considered that the 'principle' of a residential development with ground floor commercial units is acceptable in compliance with the aims of the Chorley Local Plan 2012-2026, the Central Lancashire Core Strategy and the Framework.

### Impact on heritage assets

24. The former Magistrate's Courts is a low-rise concrete framed building, in a modernist style with narrow vertical glazing and pyramid lanterns on the flat roof. It was built in 1968 to form a group of civic buildings, including the Police Station and Chorley Town Hall, around St Thomas Square. The subject building fronts the north of the square with Farringdon Street to the rear and is located in the north western limits of Chorley Town Centre.
25. The development is within close proximity to the following heritage assets, and will be assessed on the impact made to the setting of these assets:

- St Laurence Conservation Area

#### Grade II listed

- The Manor House
- The George
- Railings extending circa 50m along the west perimeter of St Laurence's churchyard

#### Grade II\* listed

- Church of St Laurence

- Chorley Town Hall – Non-designated Heritage Asset (NDHA)

26. The principle statutory duty under the Planning (Listed Building and Conservation Areas) Act 1990 (as amended by s.58B (1) of Levelling-up and Regeneration Act 2023) is to preserve or enhance the special character of heritage assets, including their setting. LPAs should, in coming to decisions, consider the principal Act, which states the following:
27. Listed Buildings - Section 66(1) in considering whether to grant planning permission for development, which affects a listed building or its setting, the local planning authority shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.
28. There is no similar statutory duty to pay special attention to preserving or enhancing the setting of Conservation Areas, but the NPPF requires local planning authorities (under P.206 and P.212) to consider the impact of development on setting of all designated heritage assets in the development management process.
29. Paragraph 58 of the Historic England Advice Note 1 (Second Edition), Conservation Area Appraisal, Designation and Management (2019) states that heritage assets can gain significance from their relationship with their setting, whilst views from within or outside an area form an important way in which its significance is experienced and appreciated.
30. In this instance the key heritage issue for the LPA to consider, in relation to proposed development is the impact of the proposal on the significance of the setting to the nearby designated heritage assets.
31. P.203 of the Framework states that in determining planning applications LPAs should take account of;
- a. The desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation;
  - b. The positive contribution that conservation of heritage assets can make to sustainable communities including their economic vitality; and
  - c. The desirability of new development making a positive contribution to local character and distinctiveness.
32. P.205 states that when considering the impact of proposals on the significance of a designated heritage asset, great weight should be given to the asset's conservation. The more important the asset, the greater the weight should be applied. This is irrespective of whether any harm is identified as being substantial, total loss or less than substantial harm to its significance.

33. P.208 identifies that where a proposal would lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use.
34. P.209. The effect of an application on the significance of a non-designated heritage asset should be taken into account in determining the application. In weighing applications that directly or indirectly affect non-designated heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset.
35. The Central Lancashire Core Strategy policy 16 and Chorley Local Plan 2012-2026 policy BNE8 reflect this approach and support the protection of designated heritage assets, whilst further detail is set out in the Central Lancashire Design Guide Supplementary Planning Document (SPD) - 2012.
36. The LPA is required under the Planning (LBCA) Act to have special regard to the desirability of preserving heritage assets, which includes their setting. Recent High Court judgements identify the need to give considerable (great) weight (NPPF P.199) and importance to that duty.
37. The Council's heritage consultants, Growth Lancashire, have reviewed the comprehensive application documents, which include a full set of proposed plans, elevations and perspective drawings, a Planning Statement, a Heritage Statement, a Townscape and Visual Appraisal and a Design and Access Statement.
38. Having undertaken that review the key heritage issues for the LPA to consider are:
  1. Whether the proposed development will harm the setting (and thereby the significance) of any of the adjacent listed buildings.
  2. Whether the proposed development will harm the setting to the adjacent St Laurence Conservation Area.
  3. Whether the proposed development will harm the significance of the adjacent NDHA (Chorley Town Hall).
39. The proposal seeks to demolish the existing Magistrates building on the site and construct an 11-storey building on the same footprint, which will have 3no commercial units to the ground floor and 52no residential apartments, with balconies, above. The upper floors are cantilevered by approximately 1 metre and floors 1 to 8 consist of external concrete box frame sections with buff brick infills, with the balcony backs appearing to be clad in the contrasting cladding proposed for the upper floors. The design alternates every 2nd floor to create architectural and visual interest. The 9th and 10th floors are set back by approximately 2-3 metres, except for the stair and the lift and stair circulation towers, which rise up to the rooftop communal roof garden. One of these towers has a chamfered top and all are clad with 'pre-rusted effect Corten metal profile cladding'.
40. The Design and Access Statement notes that the design takes inspiration from the materiality of the adjacent 'brutalist style' Police Station (external concrete frame) and the 'Italianate' Chorley Town Hall (buff coloured masonry). Planting both around the building and to the roof terrace is proposed 'to provide a boost to appearance and biodiversity of the immediate area'.
41. The existing court building has been vacant for some time and as such has fallen into some disrepair although is generally in good order. Although the building holds a level of architectural interest being of a mid C20 Modernist style, Growth Lancashire agree with the Heritage Statement in that it is not identified as being locally important (NDHA) and therefore 'there is no appreciable heritage significance attributed to the courts building and the building is not considered a positive feature of setting that might otherwise contribute to the heritage significance of neighbouring buildings.'
42. As such, it is Growth Lancashire's view that the demolition of the magistrates court building would cause no discernible direct heritage harm/loss, and given its limited contribution to the

value of the setting to those nearby, will cause no harm to the significance of those same identified heritage assets.

*The impact of the proposed building on the setting of the listed buildings*

43. In relation to setting, Historic England's advice is contained in its Planning Note 3 (second edition) entitled The Setting of Heritage Assets. This describes the setting as being the surroundings in which a heritage asset is experienced and explains that this may be more extensive than its immediate curtilage and need not be confined to areas, which have public access. Whilst setting is often expressed by reference to visual considerations, it is also influenced by the historic relationships between buildings and places and how views allow the significance of the asset to be appreciated.
44. In terms of both The Manor House and The George PH the impact is considered to be neutral due to the scale and position of the intervening buildings (the Town Hall and Police Station), which in effect block relevant views, including the increased vertical scale of the proposed building. Neither of these buildings draw any significance from the current Magistrates building and any inter-visibility is very limited.
45. The Grade II\* Church of St Laurence is mid C19 Gothic Revival style with a late medieval tower. Built in sandstone with battlement parapets and fine carved relief detail such as tall crocketed pinnacles, gargoyles and tracery. The church is regarded as highly significant along with the adjacent Grade II listed railings.
46. It is noted that the church itself has a well-defined curtilage and sits on a prominent corner location with its principal elevation facing westwards and is best appreciated from off Park Road (A581) and Union Street. Beyond its immediate boundary the setting is largely urban and altered and contributes very little to its significance.
47. The Townscape and Visual Appraisal document identifies a range of views from across the centre of Chorley. However, only the approximate position of the proposal is identified opposed to a visual perspective, which would help to inform and assess the impact accordingly.
48. Although there is separation from the proposal site of around 70m and intervening buildings that largely screen views of the existing building, the scale of the proposed new block is such that it would have some limited visual impact on views from the church, looking westwards and views of the church (and associated listed railings) when viewed from the east along Union Street and south along Park Road. In relation to the view from off Park Road, travelling south, Growth Lancashire have some minor reservations in relation to the scale of the block and how this directly relates to the prominence of the church tower.
49. However, it must be considered that being able to view a building in the context of others doesn't necessarily translate into harm or loss of significance and that the new block does not directly block or restrict views of the church, or its immediate setting. Although there would be some undoubted changes in the wider townscape views around the listed Church of St Laurence, given the cumulative impact of C20 development and infrastructure it is considered that the harm caused by the proposal will have no discernible impact on the contribution made by the wider setting to its significance.
50. On the basis of the above assessment Growth Lancashire raise no substantive objections to the proposal in relation to the impact on the setting of any listed buildings.

*The impact on the setting of the conservation area*

51. The St Laurence conservation area (CA) is characterised by the surviving C19 development along Park Road, Water Street and Hollinshead Street approaching south towards the church and the town centre. This is largely 3 storey Georgian townhouses, some of which are listed towards the north of the CA. It is also identified as being the '*Gateway entrance into the town centre.*' The application site lies to the south-west of the CA boundary and whilst it could be argued that the Town Hall, to the east of the site, contributes positively to

the setting of the CA, the buildings behind, to the west, including the Magistrates Court and Police Station do not.

52. Whilst there is no statutory duty to take account of the effect of development on the setting of a CA, under the Framework it is accepted that LPA's need to consider the impacts of development beyond the boundaries of the CA itself. In this case the proposed 11 storey building would be clearly visible throughout the CA and would be particularly prominent from the Park Road Gateway, approaching the town centre from the north, which is identified in the CA Appraisal as being an '*important view*'.
53. In this context, the proposed new block would have some impact on the wider view as the CA is entered from the north especially on approach from the Astley Park entrance junction. As noted above it will challenge the prominence of the church and clock tower to the unlisted Town Hall building. It is, however, recognised that the proposed new block sits to the west within that wider skyline view, with the church and conservation area over to the east and that any visual impact is limited and therefore will cause no discernible harm to the CA as a whole.

*The impact of the proposed building on the setting of the NDHA*

54. The Governments guidance identifies NDHA's as being buildings, monuments, sites, places, areas or landscapes identified by plan-making bodies as having a degree of heritage significance meriting consideration in planning decisions, but which do not meet the criteria for designated heritage assets. P.209 refers to the LPA's need to consider the effect of an application on the significance of a NDHA when determining an application. In carrying out its planning balance, they should have regard to the scale of any harm or loss and the significance of the heritage asset.
55. Chorley Town Hall is identified on the Local List and described as '*Late Victorian municipal style in rusticated stone, Italianate style, symmetrical around central tower.*' Its significance is its aesthetic context along with evidential value of its surviving historic use. However, as an NDHA, the significance can only be attributed as low.
56. The building is directly adjacent to the application site and therefore whilst the scheme involves no direct impact to the building itself, with the construction of the new block, change to its immediate setting is inevitable. As noted in the sections above it is recognised that the setting around the Town Hall is altered, and the presence of the Magistrates Court building and Police Station are not positive contributors. The contribution derived from the current setting to its significance is significantly eroded and of low importance.
57. Notwithstanding the above, Growth Lancashire have some slight concerns that the scale of the proposal will have some level of impact on views of the principle (east) elevation of the Town Hall. Growth Lancashire consider that part of the significance of the NDHA is the largely uninterrupted view of the tower from the east, which the proposed 11-storey building directly behind will compete with. However, given that the overall significance of the Town Hall, in a national context, as a NDHA, is low the above concerns are therefore a minor matter from a heritage perspective. It is therefore a matter for the LPA to consider this impact in its simple planning balance under P.209 of the Framework.
58. Growth Lancashire conclude that they are not opposed to the scheme in principle and although they have slight concerns in relation to the scale of the development in comparison with the tower of the Town Hall, they do not consider from a heritage perspective that the proposed scheme will cause any discernible harm to the significance of the setting of the nearby designated heritage assets.
59. It is considered important that suitably worded conditions are attached to the grant of any planning permission to secure the submission and approval of details / samples of the proposed external materials and finish to be used for the building. This is to ensure that a high quality design/appearance is achieved in order to respect the setting of the heritage assets.

60. In conclusion, the duty imposed by s.66(1) of the P(LBCA) Act 1990 has been given considerable weight in the above assessment and in relation to the NDHA, and a balanced judgement has been provided in order to meet the general aim of the national guidance to preserve heritage. Overall, it is considered that subject to conditions (design and materials) the proposal would cause no intrinsic / discernible harm to the contribution made by the setting to the significance of the listed buildings or the character or appearance of the St Laurence CA. As such the proposal meets the duty to 'preserve' as required by the above Act.
61. The visual impact on the setting to the Town Hall is a matter to be considered under P.209 of the Framework and requires the LPA to consider the impact in its planning balance when considering all other material matters, relating to the application.
62. If a positive balance is achieved then the application would meet the objectives of Chapter 16 of the NPPF and would conform with Local Plan Policy BNE 8, Policy 16 of the Central Lancashire Core Strategy and Principle 6 of the Design Guide SPD.

#### Design and impact on the character of the area

63. The application site comprises the Chorley Magistrates Court building, which is a low-rise concrete framed building, in a modernist style with narrow vertical glazing and pyramid lanterns on the flat roof, and a surrounding area of hard surfacing. Directly opposite the site to the south is a public square, St Thomas's Square, with the edges of the square formed by the Town Hall to the east and the Police Station to the west, whilst there is a surface car park to the north of the site separated by Farrington Street and public house of simple modern design to the east.
64. The Magistrates Court and Police Station were completed in 1968 in a modernist / brutalist style. The Police Station has a dominating impact on the setting of the area as an imposing and uncompromising seven storey structure with cantilevered floors, an expressed concrete frame, light grey concrete facing blockwork, ribbon windows and dark grey window spandrels and cladding panels. On the opposite side of the Square is the sandstone Victorian Town Hall in an Italianate style with a rusticated base, and ashlar dressings around windows and entrances. These are buildings of scale and prominence in the immediate setting of the application site.
65. The proposal seeks to demolish the existing Magistrates Court building on the site and construct an 11-storey (above ground) building on the same footprint, which would have 3no commercial units to the ground floor and 52no residential apartments, with balconies, above. The upper floors are cantilevered by approximately 1 metre and floors 1 to 8 consist of external concrete box frame sections with buff brick infills, with the balcony walls appearing to be clad in the contrasting cladding proposed for the upper floors. The design alternates every 2nd floor to create architectural and visual interest. The 9th and 10th floors are set back by approximately 2-3 metres, except for the stair and the lift and stair circulation towers, which rise up to the rooftop communal roof garden. One of these towers has a chamfered top and all are clad with 'pre-rusted effect Corten metal profile cladding'.
66. The proposed building design is of a contemporary style, taking inspiration from the materiality of its two most prominent architectural neighbours. The proposed concrete framing around the apartment windows/balconies is a reference to the neighbouring concrete brutalist-style police station, whilst the proposed buff-coloured textured brickwork to all sides of the new building reflects the sandstone detailing of the adjacent Chorley Town Hall building to some extent. The framing approach and inclusion of inset balconies creates a sense of texture, which provides interest and breaks up the mass of the structure.
67. The proposed ground floor commercial units would benefit from large areas of glazing and glazed entrances, which would be partially sheltered by the cantilevered floors above. This would provide an active frontage facing onto St Thomas Square, Mealhouse Lane and Farrington Street, that is distinct from the floors above, and is reflective of modern commercial units. This would provide natural surveillance onto public areas that are not currently overlooked and would be beneficial to perceptions of safety and the vitality of the



area. The partial shelter above would facilitate some outdoor activity associated with each unit to take place, which would support the vitality benefits. The upper levels would provide natural surveillance to all sides of the building through the presence of apartment windows and balconies. This would further enhance the perception of safety and vitality in the vicinity of the site, and would be particularly beneficial to St Thomas Square, which is currently an underutilised public space that could gain greater purpose as a result of the proposed development.

68. The upper building levels are proposed to be stepped-back from the main elevations, and to be overclad in a contrasting material. This would further break up the visual massing of the development. A pre-rusted effect Corten metal profile cladding is proposed, which would encase the penthouse apartments and access up to the roof terrace area, providing contrast and resulting in visual interest and variation through the building.
69. There would be a rooftop terrace area / garden proposed as a shared amenity for residents and has indicatively been shown to include an external paved space with seating, raised planting beds, decorative tree / shrub planting and a small grassed area. The proposed external works around the site would provide new street trees, soft landscaping and paving around the building. This would help to generate a safe, accessible and pleasant environment softening the visual impact of the development at ground level.
70. Overall the proposed building would be of a high quality design of positive appearance and would result in a bold contemporary focal point within Chorley Town Centre. The scale of the building would be significant in the context of the surroundings, which would further emphasise and draw attention to the building as a landmark within the town.
71. The site is located within the north west portion of Chorley town centre, and is surrounded on all sides by built form associated with this central location. Built form comprises the Chorley Police Station and Town Hall to the west and east of the site respectively, The White Hart public house and terraced housing lining Farrington Street and Crown Street to the north and west. The public realm of St Thomas's Square lies directly to the south of the Site and street level car parking wraps around the Site to the north and east.
72. Built form densities surrounding the site are generally high to medium density, reflecting the characteristics of the town centre location. The area in the immediate vicinity of the site is set out on a north to south grid with local variations due to landform and transport corridors. Topography within the site is relatively flat. Below grade portions of the courthouse are visible to the north, east and west elevations of the building, and are accessed via a ramp on the northern elevation. The site is located on the west facing slope of a minor ridge line, which rises towards the east.
73. Views of the site are limited to Farrington Street, Crown Street, St Thomas's Road, Dole Lane and Back Mount, Meal House Lane and Park Lane (where there are a range of open, partial views and partial glimpsed views) and are experienced in the context of the existing urban setting of Chorley. Views from the wider townscape are largely truncated, due primarily to the intervening built form and mature vegetation.
74. A Townscape and Visual Appraisal has been submitted in support of the application and sets out that views from receptors beyond 1km of the site would be at such distances that the proposals would form only a very minor proportion of the wider view and would be barely perceptible to the casual observer. The appraisal considers that at a national and regional level, the anticipated townscape effects of the future development of the site are anticipated to be negligible due to the nature of the proposals and the town centre location, and would entail negligible change to the existing townscape. At a local level, however, a greater impact on townscape character is present.
75. The development of the site would see the removal of the existing built form of the Court building within the site and its replacement with new and additional built form, car parking, new public realm and landscape works. Changes would directly and permanently alter the character and appearance of the site at a local level, due to the removal of the built form of

the existing building and the creation of new, additional built development; in turn altering the appearance of a small part of the settlement context of Chorley.

76. The appraisal sets out that effects are anticipated to be limited to a very small part of the Historic Core of the town in an area already subject to a number of urbanising influences, which contains a number of existing vertical elements, such as the police station and town hall. As such the potential overall effects on townscape character at the site and local level are anticipated to be Minor adverse, considering the town centre location, the quality of the elevations of the new built form and the improvements to the local streetscape to Farrington Street. There are not anticipated to be any further effects on the character of the other Urban Landscape Character Types or Landscape Character Types within the area that was assessed. It is therefore considered that the development of the Site would not constitute an overall significant or unacceptable environmental effect.
77. As with any tall building development, a number of impacts would arise from the proposals. These range from Minor adverse on the contextual townscape receptors; Minor beneficial on the Appraisal Site townscape receptors; and Negligible to Major/Moderate adverse on a number of visual receptors as a result of the change in the character and amenity of the view (where the development will either replace the existing built form or be seen as a new built element in the context of the existing urban character of the view) and are not unusual for a development of this nature given the urban setting of the development.
78. In conclusion it is considered that the application site has an existing relationship with the existing built form of the surrounding areas and that on balance the proposed development would sit within the existing retained townscape character elements at the site level and the townscape character at the regional and district level despite the difference in height over the existing building. Whilst some negative adverse townscape and visual effects would arise from the proposed development, the development of the site is logical and provides the opportunity to increase vitality in this part of the town centre, bringing purpose to the surrounding streetscape and public realm leading to potential regenerative benefits. Furthermore, the townscape and visual effects are limited to the application site and local level receptors only, as identified by the Townscape Appraisal.
79. Overall, the scale and design of the proposed development would alter the townscape and the character of the area through the development of a contemporary building of such scale that it would become a landmark feature visible above and between surrounding buildings. It would be of a high quality design, subject to the inclusion of quality materials. The materials identified at this time would be appropriate and would provide some link with the surrounding built environment. Some landscaping would be included to soften the development in what is currently a hard landscaped area adding to the quality and liveability of an area where residential development is proposed. The development has the potential to support the more extensive use of St Thomas's Square as a public space and would provide patronage to the Town Centre adding to the vitality of the area.
80. Given the nature of the existing buildings in the vicinity of the site, the quality of the design and the overall visual impacts it is considered that the proposed development would result in a positive contemporary addition to the townscape that would support the Council's ambitions for the continued development of the Town Centre and would not therefore be harmful to the character of the area. It is therefore considered that the proposed development would comply with policy BNE1 of the Chorley Local Plan 2012-2026.

#### Impact on neighbour amenity

81. The proposed building would not be immediately adjacent to any residential buildings, however, there are dwellings in the vicinity of the site from which the proposed building would be visible. The building would be located approximately 43m from the rear of the dwellinghouses at 15 to 23 Queens Road. There would not be any parallel facing windows between the building and these dwellings, however, it is noted that the balcony areas would provide views towards these properties. Given the degree of separation, which reduces to 35m from the yard areas to these dwellings it is not considered that there would be an unacceptable impact in relation to the privacy of the occupiers of these existing dwellings.

Some shadowing may be possible during the winter months for a period of the daytime, however, this impact would not be extensive and is not considered to be unacceptable. The building would be visible from these dwellings, however, outlook is already compromised by the terrace of buildings on Farrington Street, whilst the degree of separation and width of the proposed building are such that the impact is reduced and is not unacceptably detrimental given the positive appearance of the building.

82. The building would be located approximately 38m from the rear of an apartment building at Queens Road that is nearing completion. There would be some parallel facing windows between the building and these dwellings, however, the degree of separation is such that it is not considered that there would be an unacceptable impact in relation to the privacy of the eventual occupiers of these existing dwellings. Some shadowing may be possible during the winter months for a period of the daytime, however, this impact would not be extensive and is not considered to be unacceptable. The building would be visible from some of the apartments in the rear elevation of the building on Queens Road, however, the degree of separation and width of the proposed building are such that the impact is reduced and is not unacceptably detrimental given the positive appearance of the building. Other dwellings on this part of Queens Road are further distant and would experience no greater impact.
83. The residential accommodation above the Rose and Crown would be located approximately 35m to the south of the proposed building. There would be some element of parallel facing windows between the two buildings, however, the degree of separation is such that it is not considered that there would be an unacceptable impact in relation to the privacy of the occupiers of this property. There would be no overshadowing impact due to the orientation, whilst the degree of separation and width of the proposed building are such that the impact is reduced and is not unacceptably detrimental given the positive appearance of the building.
84. The proposed building would be located approximately 60m from the dwellings at Crown Street, with the police station building between. Although the building would be partially visible from these dwellings the degree of separation and width of the proposed building, in addition to the presence of intervening buildings, are such that there would be no unacceptable impacts on the amenity of the occupiers of these dwellings. Other residential properties are further distant than those considered above and the impacts would therefore be less noticeable than those that are considered to be acceptable.
85. Finally, the proposed development would provide a level of accommodation that would provide good living conditions to the eventual occupiers with adequate levels of internal space and areas for outdoor amenity.
86. Overall it is considered that the proposed development would comply with policy BNE1 of the Chorley Local Plan 2012-2026 as regards the impact on neighbouring residential property.

#### Impact on highways/access

87. Lancashire County Council (LCC) as the Local Highway Authority (LHA) is responsible for providing and maintaining a safe and reliable highway network. With this in mind, the present and proposed highway systems have been considered by LCC and areas of concern that could potentially cause problems for the public, cyclists, public transport, motorists and other vehicles in and around the area have been identified.
88. The development proposal involves the demolition of the magistrates' courts off St Thomas Road, Chorley and the erection of a new multi-storey building comprising of 3 commercial units at ground floor with 52 apartments spread over the upper floors.
89. The development site is in Chorley town centre making it a highly sustainable location given the ready access to a wide range of amenities and public transport modes, whilst it is noted that the existing use currently has no dedicated parking associated with it. Given that the site is within a highly sustainable location LCC Highways do not consider it essential that off street parking is provided. No on-site parking is proposed although alterations to the

highway would create disabled parking for two vehicles and a loading bay. The principle of this is acceptable and the scope of the proposals are shown on drawing 6878- FWP-L-04 Rev P4.

90. The proposal to create disabled parking spaces and a loading bay on St Thomas Road would need to be carried out under a s278 agreement with LCC. The scheme would need the amendment of a traffic regulation order.
91. Although no off-street car parking is proposed, covered and secure cycle parking would be provided. These proposals are considered to be acceptable.
92. LCC do not consider it essential that a Travel Plan is required to make this development acceptable and do not require any highway related contributions to make this development proposal acceptable.
93. Demolition of the existing building and construction of the new building and associated landscaping and external works should, however, be managed through a Construction Traffic Management Plan given the highway constraints in the area and the scale of development proposed, as such works are likely to lead to temporary inconvenience.
94. LCC Highways have confirmed that the development proposal is acceptable to them and that there are no highway grounds on which to oppose the development.

#### Drainage

95. The application site is not at risk of flooding from pluvial or fluvial sources, according to Environment Agency mapping data. In accordance with the Framework and the National Planning Practice Guidance (NPPG), the site should be drained on a separate system with foul water draining to the public sewer and surface water draining in the most sustainable way.
96. The NPPG clearly outlines the hierarchy to be investigated by the developer when considering a surface water drainage strategy. As such the developer should consider the following drainage options in the following order of priority:
  1. into the ground (infiltration);
  2. to a surface water body;
  3. to a surface water sewer, highway drain, or another drainage system;
  4. to a combined sewer.
97. A drainage strategy has been submitted in support of the proposed development and sets out that surface water runoff from the development site will be captured and managed wholly within the development. The proposed surface water drainage strategy will deal with rainfall falling on the site and therefore the site is not deemed to be in surface water flood risk.
98. A private drainage system lies around the existing building, collecting surface water runoff and foul water discharges and a connection is made to the public combined sewer network from a manhole that lies at the existing building's north eastern corner to the public sewer that lies at the junction of Farrington Road and Back Mount.
99. As it is intended that the new building would be on the footprint of the demolished magistrate court, the total roof and hardstanding areas within the site would remain unchanged from the existing. The pre-development surface water runoff from the site would therefore remain unchanged, and no opportunities would exist to enable substantive infiltration, whilst it is not practically possible to discharge water to a surface water body, a surface water sewer, highway drain, or another drainage system. As such a new surface water drainage system would be installed around the proposed building to replace the existing with water discharged into the public combined network at a rate of 2.0 l/s using the existing connection.

100. A new foul drainage system would also be installed around the proposed building to enable foul water from the new building to also discharge into the public combined network using the existing connection as is currently the case.
101. Overall, the development is not expected to have a detrimental impact on flood risk in the area. This strategy has been verified by the LLFA who raise no objection subject to the provision of a Final Surface Water Sustainable Drainage Strategy, which is recommended be required by condition.

#### Ecology

102. The application is accompanied by an ecology report (Batworker Ecological Consultancy, 19.07.2023) which included a daytime bat survey and one emergence survey undertaken in June 2023. This has been reviewed by the Council's ecology consultant the Greater Manchester Ecology Unit (GMEU), who have confirmed that the assessment was undertaken following best practice guidelines by a suitably experienced ecologist.
103. The building on the site was described as having no/low bat roost potential and 1 bat activity survey was carried out. No bat roosts or evidence that bats are roosting in the building was found. The trees near to the development footprint had no features suitable to support roosting bats. The existing building and trees do, however, have the potential to support nesting birds.
104. Based on the above, it is considered that the existing trees near to the site should be retained and adequately protected from any adverse impacts of the proposed developments. If the trees cannot be retained then adequate compensatory planting will need to be secured within the landscape plans.
105. Although mandatory Biodiversity Net Gain is applicable to the proposed development biodiversity enhancements should be delivered by this application, in line with the measures/details identified within the bat survey report. which include the use of native trees in the landscape planting. Additionally bat and bird boxes should be included with the scheme and preferably integrated into the proposed new building in order to support the requirements of policy BNE9 of the Chorley Local Plan 2012-2026. The details of this can be secured via a condition.

#### Affordable housing and public open space requirements

106. Policy 7 of the Core Strategy requires 30% affordable housing to be provided on sites of 15 or more dwellings, or 0.5 hectares in size (which this is), in urban areas such as this. No on-site provision has been identified by the applicant.
107. The proposed development would also generate a requirement for the provision of public open space in line with policies HS4a and HS4b of the Chorley Local Plan 2012 – 2026 and the Open Space and Playing Pitch SPD. This would involve the on site provision of amenity green space and an off site contribution to playing pitch improvements. Given the nature of the site being located in the town centre it is constrained in area and not therefore possible to make any meaningful on-site provision.
108. In consideration of the requirement to provide affordable housing and make off site provision of public open space some critical viability issues affecting the deliverability of the development have been identified. A viability assessment has been submitted by the applicant demonstrating that no contributions are possible as the profit margin to the developer would be limited to the point where the possibility of obtaining development finance would be severely restricted. As a result there would be no incentive to deliver the scheme. The viability case has been considered by the Council's viability consultant. They have confirmed that the proposed development would not be capable of supporting any of the necessary planning obligations required by local policies. It is therefore recommended that the viability case is accepted and that no contributions can be supported in this instance. The development is therefore considered acceptable without such contributions under the circumstances, when balanced against the benefits of the proposed development on the site in question.

### **Balancing exercise**

109. It has been established that there is some concern in relation to the scale of the development in comparison with the tower of the Town Hall. However, given that the overall significance of the Town Hall, in a national context, as a non designated heritage asset, is low the concerns are therefore a minor matter from a heritage perspective. It is therefore a matter for the LPA to consider this impact in its simple planning balance under P.209 of the Framework.
110. It is recognised that the scale of the proposal would have some level of impact on views of the principle (east) elevation of the Town Hall when viewed from the east, and that the proposal would alter the townscape and have some visual impacts.
111. The proposed building would not impede views of the clock tower from the east or when travelling along Union Street, High Street and Market Street, from which the clock tower is most prominent. It is simply that the proposed building would be perceived close by and within the same view. Such a relationship is not unusual in urban centres and there is some degree of separation between the two buildings. The townscape impact can be considered to be a positive one, given the quality of design involved and in considering the disused nature of the site and the impact that the current buildings on the site and at the police station have on the townscape currently.
112. In terms of the benefits, these cover social, economic and environment benefits to which a variety of different weights have been attributed. The provision of 52 dwellings is a significant social benefit and in a sustainable location such as this carries significant weight. The regeneration of a disused site with a modern building and inclusion of some degree of landscaping is an environmental benefit that carries moderate weight. The regenerative impact of the development in increasing footfall and vitality in the town centre is both a social and economic benefit that carries significant weight, whilst there are also economic benefits in supporting construction jobs during development and in providing employment at the commercial units, which carry moderate weight.
113. There are very clear benefits in support of the proposal, which are considered to clearly outweigh the low level harm to a non designated heritage asset and the alteration to the townscape and visual impacts. The proposal is therefore considered to be acceptable on balance.

### **Other matters**

114. It is noted that an objection has been received from Lancashire Constabulary on the basis of concerns over the height of the proposed building and the potential for interference with telecommunications infrastructure. No evidence has been provided as to what impacts may occur, or how such impacts could be avoided or mitigated against. As such it is not clear that there would be an impact from the proposed development, or what resultant harm there may be. No weight can therefore be attached to this in the assessment of the planning application.
115. Provision of bins / waste storage: The proposal has been designed to utilise existing space for waste and recycling refuse collection vehicles around the north of the site on the Farrington Street roadway. Secure Refuse and Recycling storage places would be provided at the ground floor of the proposed development for the collection of general waste and recycling. Separate refuse stores for the 3nr commercial units and the 52nr residential apartments are proposed. Bins would be provided throughout the commercial units and apartments for collection of general refuse and recycling alongside. It is recommended that a condition is attached to any grant of planning permission requiring a Site Waste Management Plan (SWMP) to ensure that waste is managed effectively and does not become a blight on the street scene.

### **CONCLUSION**

116. It is considered that the proposed development accords with the aims of policies within the Framework, Central Lancashire Core Strategy and the Chorley Local Plan 2012 – 2026

that seek to achieve sustainable development and support the vitality of the town centre and that the benefits of the proposal outweigh the low level harm that is a minor matter from a heritage perspective. There would be no unacceptable detrimental impact on the amenity of neighbouring occupiers or the appearance and character of the area as a result of the proposed development. In addition, the development is located in a sustainable location and would not have an unacceptable impact on highway safety. On the basis of the above, it is recommended that planning permission be granted.

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

**Ref:** 5/1/01957      **Decision:**      PERFPP      **Decision Date:** 4 March 1963  
**Description:**      New police station development including magistrates court

**Ref:** 03/01349/LCC      **Decision:**      PERMIT      **Decision Date:** 23 December 2003  
**Description:**      Formation of new ground floor door opening to rear of building together with new access ramp and associated works

**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.

#### Suggested Conditions

To follow.