

APPLICATION REPORT – 23/01043/FUL

Validation Date: 22 December 2023

Ward: Chorley North West

Type of Application: Full Planning

Proposal: Change of use of nos. 15 to 17 Halliwell Street from offices to a 12 bedroom house in multiple occupation (HMO), two first floor rear extensions and the erection a 2 storey detached building containing 4no. HMO units and the provision of a bin and cycle store

Location: 15 -17 Halliwell Street Chorley PR7 2AL

Case Officer: Chris Smith

Applicant: Sapphire Properties

Agent: Michael Jackson

Consultation expiry: 12 January 2024

Decision due by: 05 June 2024

RECOMMENDATION

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

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 outside edge of the town centre boundary on the northern side of Halliwell Street. The site contains a detached two storey building that previously operated as a Youth Justice Centre, but has since been vacated and has remained so for some time. There is a vacant undeveloped gap between this building and the residential end-terrace property no. 19 Halliwell Street.
3. The immediate locality is a densely built-up urban environment typical of a town centre where a range of uses are evident including residential properties and a variety of commercial and service-based uses. Immediately to the north the site is bounded by a row of Grade II listed buildings at nos. 16 to 28 St George's Street as well as the Old Coach House on St George's Street and the St George's Conservation Area.

DESCRIPTION OF PROPOSED DEVELOPMENT

4. The application seeks planning permission for the change of use of nos. 15 to 17 Halliwell Street from a Youth Justice Centre with associated offices to a 12no. bedroom house in multiple occupation (HMO), two first floor rear extensions and the erection a 2-storey detached building containing 4no. HMO units and the provision of a bin store and cycle storage.
5. It should be noted that the proposed development has been amended since first being received by the Council at the request of the case officer. Amended plans have been submitted to alter the design of the proposed two storey building to reposition some of the entrance doors to the side elevations of the building and the first floor rear elevation

windows in both the existing building and proposed building have been changed to oriel windows which are angled away from the neighbouring properties at the rear of the site.

REPRESENTATIONS

6. Six representations have been received citing the following grounds of objection to the proposed development –
 - The proposal states 12-bedroom house, however, the application states 16 bedsit studios.
 - The application states that there would be no provision for parking, however, 3 spaces would be removed.
 - Parking.
 - Traffic
 - The Council should notify not only immediate residents but also residents who are permitted to park in the parking zones that will be impacted by an increase in vehicles parking in their permitted zones.
 - Light loss.
 - Privacy loss.

CONSULTATIONS

7. Chorley Council's Environmental Health Officer – Have stated that in principle they do not have any environmental concerns regarding the proposed change of use, however, prior to occupation the premises will require an HMO licence.
8. Lancashire Highway Services (LCC Highways) – Have stated that they do not have any objections in principle to the proposed development.

PLANNING CONSIDERATIONS

Principle of the development

9. Policy V2 of the Chorley Local Plan 2012 – 2026 states that within the settlement areas excluded from the green Belt, and identified on the Policies Map, there is a presumption in favour of appropriate sustainable development, subject to material planning considerations.
10. The application site is located in the settlement area of Chorley which is excluded from the Green Belt and identified on the Policies Map. There are no policy designations, which apply to the site, which was previously a Youth Justice Centre, and thus the principle of the development proposal is considered to be acceptable, subject to other material planning considerations.

Design and impact on the character of the area

11. Policy BNE1 of the Chorley Local Plan 2012 – 2026 states that planning permission will be granted for new development, including extensions, conversions and free-standing structures, provided that:
 - a) 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.
12. No external elevational alterations to the front elevation of the existing building are required in order to facilitate the change of use. While there would be two first floor extensions to the rear of the building, they would be largely concealed from the streetscene by the existing building. Furthermore, the extensions would be relatively modest with regards to size and scale, and it is considered that their design would complement the design, style, and form of the existing property and neighbouring properties.
13. The proposed two storey building would occupy an undeveloped gap, which is positioned centrally within an established built-up street frontage, and it would, therefore, represent a visual continuation of the existing built form. It would be a rectangular building faced with

brick and it would have a dual pitched roof and, therefore, it would be of relatively conventional design. It is not considered; however, that this would appear out of place within the architectural context of the immediate locality, which is predominantly characterised by three storey and two storey height terrace properties of traditional design faced with a variety of materials including render and brick, whilst a variety of roof styles and pitches are evident.

14. The bin and cycle store would be located to the rear of the proposed building where it would be completely screened from public vantage points.
15. On the basis of the above the proposed development would not be harmful to the character of the area, thereby complying with Chorley Local Plan policy BNE1.

Impact on the amenity of neighbouring occupiers

16. Policy BNE1 of the Chorley Local Plan 2012-2026 states that planning permission will be granted for new development, including extensions, conversions and free standing structures, provided that:

b) the development would not cause harm to any neighbouring property by virtue of overlooking, overshadowing or by creating overbearing impacts.

17. The immediate locality contains a mix of uses but it is mainly characterised by densely built-up terraced properties located along both sides of Halliwell Street and at the rear (north) of the site along St George's Street. The first floor extensions would face directly towards the properties to the rear of the site and they would be located to the south of these properties. However, it is not considered that there would be a significantly greater or more adverse impact on neighbouring amenity in respect of light loss or a loss of outlook than that which currently occurs as a result of the existing building. The extension to be built on the western side of the rear elevation would have 3no. bedroom windows. Several of the neighbouring properties to the north are being used for residential purposes at first floor level and it is noted that several representations have been received objecting to the proposed development on the grounds of privacy loss. In order to address these concerns, the applicant's agent submitted amended plans to alter the design of the first floor windows so that they would be 'oriel' windows, which would be angled in such a way so that they would not face directly towards any of the adjacent properties to the rear of the site. Furthermore, the extension to be built on the eastern side of the rear elevation, would not contain any windows. Consequently, it is not considered that the proposed development would have any unacceptable adverse impacts on neighbouring amenity as a result of privacy loss.
18. It is acknowledged that the proposed building would occupy a plot of land which is currently being utilised for the parking of vehicles and so is free from built development. Inevitably, therefore, the proposed building would have a greater impact on the amenity of neighbouring occupiers than the current site. However, it is noted that the separation distance between the proposed building and the properties to the rear would exceed the existing separation distances between first floor habitable room windows along the existing rows of properties at Halliwell Street and St. Georges Street. First floor windows within the rear elevation of the proposed building would be oriel windows which would not face directly towards the neighbouring property to the rear of the site and, therefore, it is not considered that the proposed building would have any unacceptable adverse impacts on neighbouring amenity as a result of light loss, loss of outlook or privacy.
19. In addition to the above, it is considered that the previous use of the site as a Youth Justice Centre would have generated frequent comings and goings which would have resulted in a degree of adverse impact on neighbouring amenity and the proposed development would introduce a less intensive use that would be more in keeping with the predominantly residential characteristics of the immediate streetscape. It is not considered, therefore, that the proposed development would have a significantly greater or more adverse impact on neighbouring amenity than the previous use, which is the current lawful use of the site.

20. On a visit of the application site, it was observed that the existing building has a flat roof to its rear elevation and that there is direct internal access on to the roof. This provides direct views towards neighbouring properties to the rear of the site as well as the private amenity space associated with these properties. While the roof terrace could be used in an unrestricted way should the lawful use of the building as a Youth Justice Centre recommence, it is considered likely that the roof terrace would be used more intensively as a result of the proposed residential use of the site than the previous office use. Consequently, in order to ensure that there would not be an unacceptable adverse impact on neighbouring amenity as a result of privacy loss, an appropriate planning condition shall be attached to any grant of planning permission to ensure that the roof terrace is not used by occupants of the building.
21. Having regard to the above, the proposal is considered to accord with Chorley Local Plan policy BNE1 b) in respect of amenity.

Impact on designated heritage assets

22. The Planning (Listed Buildings and Conservation Areas) Act 1990 (The Act) sets out the primary duty that a 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. Great weight and importance is attached to this duty.
23. The National Planning Policy Framework (The Framework) at Chapter 16 deals with conserving and enhancing the historic environment. It sets out that in determining planning applications LPAs should take account of:
- The desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation;
 - The positive contribution that conservation of heritage assets can make to sustainable communities including their economic vitality; and
 - The desirability of new development making a positive contribution to local character and distinctiveness.
24. Paragraph 199 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.
25. Paragraph 200 states that any harm or loss of significance to a designated heritage asset (from alteration or destruction or from development within its setting) should require clear and convincing justification.
26. Paragraph 202 states that where a development will lead to less than substantial harm to the significance of the heritage asset, this harm should be weighed against the public benefits of the proposal.
27. The adopted Central Lancashire Core Strategy (2012) policy 16 (Heritage Assets) states: Protect and seek opportunities to enhance the historic environment, heritage assets and their settings by:
- a) Safeguarding heritage assets from inappropriate development that would cause harm to their significances.
 - b) Supporting development or other initiatives where they protect and enhance the local character, setting, management and historic significance of heritage assets, with particular support for initiatives that will improve any assets that are recognised as being in poor condition, or at risk.
 - c) Identifying and adopting a local list of heritage assets for each Authority.
28. Chorley Local Plan 2012 – 2026 policy BNE8 (Protection and Enhancement of Heritage Assets) states that:

a) Applications affecting a Heritage Asset or its setting will be granted where it:

- i. Is in accordance with the Framework and relevant Historic England guidance;
- ii. Where appropriate, takes full account of the findings and recommendations in the Council's Conservation Area Appraisals and Management Proposals;
- iii. Is accompanied by a satisfactory Heritage Statement (as defined by Chorley Council's advice on Heritage Statements) and;

b) Applications will be granted where they sustain, conserve and, where appropriate, enhance the significance, appearance, character and setting of the heritage asset itself and the surrounding historic environment and where they show consideration for the following:

- i. The conservation of features and elements that contribute to the heritage asset's significance and character. This may include: chimneys, windows and doors, boundary treatments, original roof coverings, earthworks or buried remains, shop fronts or elements of shop fronts in conservation areas, as well as internal features such as fireplaces, plaster cornices, doors, architraves, panelling and any walls in listed buildings;
- ii. The reinstatement of features and elements that contribute to the heritage asset's significance which have been lost or damaged;
- iii. The conservation and, where appropriate, the enhancement of the setting of heritage assets;
- iv. The removal of additions or modifications that are considered harmful to the significance of any heritage asset. This may include the removal of pebbledash, paint from brickwork, non-original style windows, doors, satellite dishes or other equipment;
- v. The use of the Heritage Asset should be compatible with the conservation of its significance. Whilst the original use of a building is usually the most appropriate one it is recognised that continuance of this use is not always possible. Sensitive and creative adaptation to enable an alternative use can be achieved and innovative design solutions will be positively encouraged;
- vi. Historical information discovered during the application process shall be submitted to the Lancashire Historic Environment Record.

29. The policy also states that development involving the demolition or removal of significant heritage assets, or parts thereof, will be granted only in exceptional circumstances that have been clearly and convincingly demonstrated to be in accordance with the requirements of the Framework.

The key considerations in respect of the impact of the proposal on the heritage asset are:

1. Whether the proposed development will harm the contribution made by the setting to the significance of the listed buildings (nos. 16 to 28 St George's Street and the Old Coach House).
2. Whether the proposed development will harm the contribution made by the setting to the character or appearance of the St. George's Conservation Area.

Assessment

30. The main issue from a heritage viewpoint is whether the proposal would harm the setting of the listed buildings, which should be regarded as being of high significance. The significance of the listed row to the rear of the application site derives from its historic and aesthetic context as mid to late C19 town houses forming a uniform row, along with the opposite listed row, leading up to the historic focal point of St George's Church. In the above context, given that the existing building has no historic value, and due to its position to the rear of the listed properties, it is not considered that the proposed development would impact on the listed building's primary significance which are their principal north elevations fronting St George's Street. The rear elevations, therefore, are of secondary importance and the proposed development, although directly adjacent, would cause no further discernible harm to the contribution made by the setting to the listed buildings.

31. The character of the St George's Conservation Area is defined by its eclectic mix of C19 public, commercial, and domestic buildings built around the Grade II* early C19 St George's Church, an impressive early English style, Ashlar stone church. The buildings of Halliwell Street to the south do not form part of the Conservation Area and the west end in particular,

including the proposal site, has been subject to a culmination of unsympathetic C20 development, and therefore, as indicated above, does not hold any historic value.

32. It is considered that, given the location of the site, the proposed development would not cause any discernible harm to either the contribution made by the setting to the significance of Nos.16 to 28 St Georges Street and the Old Coach House on St George's Street, or to the contribution made by the building to the setting (and significance) of the St George's Conservation Area. As such, the proposal meets the statutory test 'to preserve or enhance' and therefore meets the objectives of Chapter 16 of the NPPF and accords with Policy BNE8 of the Chorley Local Plan and Policy 16 of the Central Lancashire Core Strategy

Parking and highway safety

33. Policy BNE1 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:
34. d) 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 the standards stated in Site Allocations Policy – Parking Standards, unless there are other material considerations which justify the reduction.
35. 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 residential (Use Class C3) in all other areas outside Chorley Town Centre as being 1 space per bedroom. However, the policy does provide some flexibility in the parking standards and locations that are considered to be more sustainable and well served by public transport may be considered appropriate for lower levels of provision.
36. The application site does not contain any parking provision and the application does not propose any. However, LCC Highways have stated that they do not have any objections to the proposed development and that they are of the opinion that it would not have a significant impact on highway safety, capacity, or amenity in the immediate vicinity of the site. They have also stated that the site is within a sustainable area. Indeed, the site is located within Chorley Town Centre just to the south of the primary shopping area and it is within walking distance of a wide range of shops, services, amenities, and public transportation links which are typically found within a town centre including a bus station and a busy regional railway station. Consequently, it is considered that a relaxation in the car parking standards can be made as per the provisions of policy ST4 of the Chorley Local Plan 2012-2026.
37. Whilst it is acknowledged that there is limited off-street car parking availability within the immediate area, the site is positioned within a sustainable location in Chorley Town Centre and it is not, therefore, considered that the proposed development would prejudice highway or pedestrian safety.

Community Infrastructure Levy

38. The Chorley CIL Infrastructure Charging Schedule provides a specific amount for development. The CIL Charging Schedule was adopted on 16 July 2013 and charging commenced on 1 September 2013. The proposed development would be a chargeable development and the charge is subject to indexation in accordance with the Council's Charging Schedule.

CONCLUSION

39. The proposed development is acceptable in principle, and it would not have an unacceptable adverse impact on the character and appearance of the existing site or the surrounding area, nor would it cause any significant harm to the amenity of neighbouring residents, highway safety or the significance of the identified heritage assets.

40. It is, therefore, considered that the development accords with the National Planning Policy Framework, the Central Lancashire Core Strategy policy 16 and policies BNE1 and BNE8 of the Chorley Local Plan 2012 – 2026.

41. Consequently, it is recommended that the application is approved, subject to conditions.

RELEVANT HISTORY OF THE SITE

Ref: 5/1/02382 **Decision:** PERFPP **Decision Date:** 8 January 1965
Description: New Shop Front

Ref: 75/00875/OUT **Decision:** PEROPP **Decision Date:** 26 April 1976
Description: Outline application for 2 storey block of 8 offices

Ref: 80/00928/FUL **Decision:** PERFPP **Decision Date:** 10 November 1980
Description: Funeral House

Ref: 80/00181/OUT **Decision:** PEROPP **Decision Date:** 9 April 1980
Description: Outline application for 2 storey block of 4 flats

Ref: 80/00173/OUT **Decision:** PEROPP **Decision Date:** 9 April 1980
Description: Outline application for 2 storey block of offices

Ref: 96/00718/CTY **Decision:** PERLCC **Decision Date:** 18 December 1996
Description: Regulation 3 Application for the change of use of funeral parlour to Chorley Youth Justice Centre,

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

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 external facing materials, detailed on the approved plans, shall be used 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: To ensure that the materials used are visually appropriate to the locality.

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

Title	Plan Ref	Received On
Location Plan	N/A	4 December 2023
Site/Roof Plan Proposed	N/A	4 December 2023
Plans as Proposed	2070/2 Rev D	31 May 2024
Elevations as Existing/Proposed	2070/3 Rev D	31 May 2024

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

4. The flat roof on the first floor of the rear (north) elevation of the existing building as shown on plan refs: 2070/2 Revision D and 2070/3 Revision D shall not be used as a terrace/balcony.

Reason: To prevent overlooking to neighbouring properties.