

APPLICATION REPORT – 24/00073/FUL

Validation Date: 1 February 2024

Ward: Chorley North West

Type of Application: Full Planning

Proposal: Change of use of the existing mixed office/ residential use to use class C4 (houses in multiple occupation)

Location: 28 St Georges Street Chorley PR7 2AA

Case Officer: Daniel Power

Applicant: Mr Tom Garnett

Agent: Mr David Perry

Consultation expiry: 1 March 2024

Decision due by: 28 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 boundary of Chorley on the southern side of St Georges Street, and is within Chorley Town Centre as defined by the Chorley Local Plan 2012 - 2026. The existing property is a two storey mid 19th century townhouse, constructed from brick in Flemish bond on a stone plinth with a moulded stone doorcase with straight cornice on scrolled brackets, a solid timber door. The property is Grade II listed and located within the St Geroges Conservation Area.

DESCRIPTION OF PROPOSED DEVELOPMENT

3. This application seeks planning permission for the change of use of the existing mixed office/ residential use to a house in multiple occupation (HMO) (use class C4). The accommodation would provide 2 no. bedrooms at the ground floor with a kitchen to the rear, with an additional 4 no. bedrooms at the first floor with a smaller kitchen, whilst each bedroom would have an en-suite bathroom.

REPRESENTATIONS

4. One letter of objection has been received and can be summarised as follows:
 - The passage of sound and the affects the development would have to the neighbouring business whose trade heavily relies on evening and late-night trading. A late night music licence is also in place.
 - The proposed development if granted most definitely would risk employment and businesses in the surrounding area.

CONSULTATIONS

Regulatory Services - Environmental Health

5. The Noise Impact Assessment provided appears to satisfy appropriate mitigation measures in response to exceedances. It is recommended that the applicant undertakes additional monitoring once mitigation measures are installed.

Lancashire Highway Services

6. LCC Highways does not have any objections in principle to the proposed Change of use for the existing mixed office/ residential use to use class C4 (houses in multiple occupation), providing the applicant can address the issues regarding bin storage and cycle storage.
7. The submitted documents do not show a bin store for the proposed dwelling. It is requested that there is bin storage provided within the red edge of the proposed site to ensure they are not placed on the adopted highway at the detriment to pedestrian movements.
8. We would also request that the applicant provides secure, covered cycle storage with space for a minimum of 6 cycles for communal cycle storage areas, to support social inclusion and promote sustainable forms of transport.

Greater Manchester Ecology Unit

9. There is to be new 300 mm quilted insulation upgrade to roof ceiling void. There is the potential to disturb bats that maybe using the loft space. We have no records for roosting or commuting bats in the area and the habitat is sub optimal for them.

Licensing

10. No comments have been received.

Parish Council

11. No comments have been received.

CIL Officers

12. This development will be CIL Liable if approved.

PLANNING CONSIDERATIONS

Principle of the development

13. The Central Lancashire Core Strategy focuses on growth in the Key Service Centres such as Chorley town, where the application site is located.
14. The site is not allocated for any specific use within the Chorley Local Plan 2012 - 2026 and Policy V2 of the Chorley Local Plan 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.
15. 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.
16. 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.

17. 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.
18. 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 proposed development would increase the catchment of potential consumers within the town centre and would contribute towards increased footfall, which would support the vitality of the town centre.
19. The principle of the proposed development is, therefore, considered to be an acceptable one, subject to material planning considerations.

Character, appearance and impact to the Conservation Area/setting to listed buildings

20. The application site is located within the setting of a Grade II listed building and within the St Georges Conservation Area. 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;

Listed buildings - Section 66 (1)
21. In considering whether to grant planning permission for development which affects a listed building or its setting, the local planning authority or 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.

Conservation areas – Section 72 (1)
22. In undertaking its role as a planning authority, the Council should in respect to conservation areas pay special attention to the desirability of preserving or enhancing the character or appearance of that area.
23. In relation to conservation areas decision makers should consider the impacts on the character and appearance of a conservation area (which includes its setting) separately and that development proposals need to satisfy both aspects (to preserve or enhance) to be acceptable.
24. Paragraph 205 of the NPPF 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 206 states any harm to, or loss of, the significance of a designated heritage asset (from its alteration or destruction, or from development within its setting), should require clear and convincing justification.
26. Paragraph 208 identifies that where a proposal would lead to less than substantial harm to

27. 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.
28. The character of the St George's Street Conservation Area is defined in its eclectic mix of C19 public, commercial and domestic buildings built around St George's Church. The significant character of the CA derives from the strong focal point that the church provides in the view down St Georges Street and the frontage properties of St George's Street, Church Street and Chapel Street.
29. The Church of St George is an impressive Grade II* listed early English style, Ashlar stone church, built 1822-25, by Thomas Rickman. The opposite terrace on St George's Street, no's 9-27, are Grade II listed, similar in style and materials to the host property and are regarded as holding the same high significance. Both assets contribute significantly to the setting of 28 St George's Street.
30. In relation to setting, Historic England's advice is contained in its Planning Note 3 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.
31. The Design and Consideration officer considered that as the scheme involves minimal change the significance of the listed building as a group is likely to be unharmed and in turn the setting to the adjacent listed Church and the St Georges Street Conservation Area would be unaffected.

Impact on neighbour amenity

32. *Policy BNE1 (Design Criteria for New Development) of the Chorley Local Plan 2012 -2026 stipulates that planning permission will be granted for new development, including extensions, conversions and free standing structures, provided that, where relevant to the development the proposal would not cause harm to any neighbouring property by virtue of overlooking, overshadowing, or by creating an overbearing impact; and that the proposal would not cause an unacceptable degree of noise disturbance to surrounding land uses.*
33. The application seeks to change the use of a building with no external extensions or alteration. The buildings attached to an existing dwelling to the west with a restaurant/bar to the east. Given the application is solely for the change of use of the building, it is not considered the proposal would have a detrimental impact to neighbouring amenity either overlooking or overbearing.
34. Objections have been received from the neighbouring business that the introduction of residential accommodation adjoining could impact on the operation of their business. During the determination of the application, the Council's Environmental Health officer requested a noise assessment to assess the impact of the neighbouring use on the future occupiers of the building.
35. The noise assessment found that the installation of the recommended stud wall would provide suitable mitigation to ensure the sounds levels are within the required level. This assessment was consideration by the Council's Environmental Health officer and found the report to be acceptable subject to conditions requiring the recommendation to be carried out and additional monitoring once mitigation measures are installed. Subject to these works it is considered that the amenity of the future occupiers of the HMO would not be significantly harmed by the adjoining business use.

Parking provision and highway safety

36. *Policy BNE1 of the Chorley Local Plan 2012-2026 states that developments must not cause severe residual cumulative highways impact or prejudice highway safety, pedestrian safety, the free flow of traffic, or reduce the number of on-site parking spaces.*
37. *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 non-residential institutions (clinics and health centres) in all other areas outside Chorley Town Centre as being 1 space per 2no. members of staff plus 4 per consulting room.*
38. LCC Highways does not have any objections in principle to the proposed change of use to a HMO subject to conditions relating to cycle storage and waste storage. The application makes no provision for off street parking, however, the site is within a sustainable area, close to the town centre. Therefore, 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 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

CONCLUSION

39. The development would not have an unacceptable adverse impact on the character and appearance of the surrounding area or the conservation area, nor would it cause any significant harm to the amenity of neighbouring residents or highway safety. It is, therefore, considered that the development accords with the National Planning Policy Framework and policies BNE1, BNE8, BNE9 and BNE11 of the Chorley Local Plan 2012 – 2026. Consequently, it is recommended that the application is approved subject to conditions.

RELEVANT HISTORY OF THE SITE

Ref: 10/00754/LBC **Decision:** PERLBC **Decision Date:** 25 October 2010
Description: Application for listed building consent for internal alterations.

Ref: 5/1/02103 **Decision:** PERFPP **Decision Date:** 9 September 1963
Description: Conversion of premises from dwellinghouse to flat and/or office

Ref: 5/1/02717 **Decision:** PERFPP **Decision Date:** 6 October 1966
Description: Alteration to form first floor office accommodation

Ref: 5/1/02163 **Decision:** PERFPP **Decision Date:** 7 January 1964
Description: Change of use from house to offices and flat

Ref: 24/00074/LBC **Decision:** PCO **Decision Date:**
Description: Application for listed building consent to change of use of the existing mixed office/ residential to use class C4 (houses in multiple occupation) and internal alterations

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

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

Title	Plan Ref	Received On
Location Plan	23108/100	1 February 2024
Proposed floor plans and elevations	23108/102B	3 July 2024

3. Before the development hereby permitted is first occupied, provision for cycle parking, in accordance with details first agreed in writing with the Local Planning Authority, shall have been provided in all respects and made available for use, and shall thereafter be retained.

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

4. Prior to the occupation of the development hereby approved, the works outlined within sections 7.1.4 and 7.2.5 of the Submitted Noise Assessment (Report number 103148_V2) shall be implemented in full and retained for the lifetime of the use as a HMO.

Prior to the occupation of the HMO and once the mitigation measures are installed additional monitoring shall be undertaken to ensure the day and night time noise levels are within Chorley Councils LAeq levels. If the day and night time noise levels are not within Chorley Council's LAeq levels then further remedial works shall be carried out until the appropriate level of mitigation is achieved prior to the first occupation of the use hereby approved.

Reason: To protect the amenities of future occupiers and nearby premises.