

## **APPLICATION REPORT – 24/00263/FUL**

**Validation Date: 2 April 2024**

**Ward: Chorley North West**

**Type of Application: Full Planning**

**Proposal: Change of use from night club to no.18 bed house in multiple occupation (sui generis) incorporating second floor rear extension**

**Location: Applejax Night Club 1 Back Mount Street Chorley PR7 1EA**

**Case Officer: Daniel Power**

**Applicant: Mr Paul Preston**

**Agent: Mr Doug Purnell**

**Consultation expiry: 9 May 2024**

**Decision due by: 7 June 2024**

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### **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 and within the defined Chorley Town Centre boundary at the northern edge. The site is also within the St Laurence Conservation Area opposite the Grade II\* listed Church of St Laurence.

### **DESCRIPTION OF PROPOSED DEVELOPMENT**

3. This application seeks planning permission for the change of use from a night club to a no.18 bed house in multiple occupation (sui generis) incorporating a second floor rear extension. The extension would build up the existing walls in matching brick, with a parapet wall forming the side elevations with a mansard roof faced in slates.
4. The HMO would provide 6 no. bedrooms, a cycle store, and kitchen at the ground floor. At the first floor would be 5 no. bedrooms and a kitchen/lounge, with the second floor providing 7 no. bedrooms and a further kitchen area. Each room would have an en-suite bathroom.

### **REPRESENTATIONS**

5. One letter of objection has been received and can be summarised as follows:
  - We have more than enough HMO's in Chorley.
  - This would be detrimental to the town centre.
  - We need to save our old buildings.

## CONSULTATIONS

### Regulatory Services - Environmental Health

6. I have no objection in principle, however I would recommend that due to the proximity of existing late night town centre licensed premises, that an acoustic report is commissioned to establish whether any mitigating measures are required to ensure that the future occupants of the dwellings are not exposed to excessive levels of disturbance.

### Lancashire Highway Services

7. As submitted LCC Highways cannot support the application. There are highway safety concerns with on street parking at the easterly extent of the building and no cycle storage detailed. The application can be supported if the applicant shows the highway improvements, cycle storage and a Construction Traffic Management Plan.
8. The building is to the adopted highway from the railings on Market Street (A581), to the rear of the footway on Back Mount Street on the northerly and westerly ends of the site. There is adopted highway on these three extents.
9. There is a PROW FP0902030 which has been commented on the PROW response. The comments regarding the concerns of the obstruction of the PROW during the construction phase should be detailed in the Construction Management Plan requested further in this report.
10. There are various waiting restrictions and one-way orders on the highway which have been reviewed and no changes are requested.
11. At the easterly extent there is an area of footway which is frequently parked and obstructing the footway. This means that pedestrians are forced to walk in the live carriageway. This is a highway safety concern. It is requested that the applicant provides a scheme to improve the pedestrian movement to and from the site. These improvements would be undertaken under a s278 agreement of the 1980 Highways Act. The Highway Authority hereby reserves the right to provide the highway works within the highway associated with this proposal. Provision of the highway works includes design, procurement of the work by contract and supervision of the works.
12. The applicant will be required to enter into the s278 agreement with LCC Highways and receive technical approval before any works commence on site.

### Growth Lancashire

13. As I am required to do so, I have given the duty's imposed by s.66(1) and s.72(1) of the P(LBCA) Act 1990 considerable weight in my comments and I have provided a balanced judgement in my comments in relation to the NDHA and the need to preserve heritage.
14. As identified above, I feel that the application is lacking in necessary information/detail (re windows to the front of the building) for it to be fully assessed. Paragraph 200 of the NPPF requires applicants to provide sufficient detail to understand the potential impact of the proposal on the significance of heritage assets.
15. However, I consider the extension/conversion works to the rear part of the building would fail to meet the statutory test 'to preserve or enhance' and would cause a low level of harm (less than substantial) to the significance of both the St Laurence Conservation Area. In regard to the contribution made by the setting to the nearby Grade II\* listed Church of St Laurence and the associated Grade II listed railings the level of impact will be dependent on the treatment of the proposed changes to the windows.
16. The LPA will be required to consider these impacts in its planning balance under P.208 of the NPPF. If a positive balance cannot be reached, then the proposal

would not meet the objectives of Chapter 16 of the NPPF and would be at odds with Policy 16 of the Core Strategy and Policy BNE8 of the local plan.

17. With respect of the NDHA, my balanced view is that the proposal will cause no discernible loss of significance to the setting of the Town Hall.

#### Lancashire County Council Public Rights Of Way

##### **Comments/Objections**

18. Footpath FP0902030 runs east to west south of the property, as shown on the attached plan. The public right of way should not be reduced or used to store tools or materials and if found to would be deemed an obstruction and the applicant would be subject to enforcement proceedings.

##### **Ground level/drainage**

19. Any changes in ground level or installation of drainage should ensure that surface water is not channelled towards or onto a public right of way either within the proposed development site or in close proximity – this is to ensure public rights of way are not exposed to potential flooding or future maintenance issues.

##### **Landscaping**

20. Any trees or bushes need to be at least 3 metres away from a public right of way to prevent any health and safety issues and potential maintenance issues e.g. Overhanging branches or roots coming through the surface of the footpath concerned either within the proposed development or in close proximity.

##### **Temporary closure**

21. If works relating to the proposed development are likely to cause a health and safety risk to users of a public right of way a temporary closure order must be made and in effect prior to commencing those works. Applications should be made 4 weeks before commencement to avoid delay to the works.

##### **Diversions**

22. If a diversion is needed or intended the applicant needs to ensure that the diversion is in place prior to any work commencing on a public right of way. Any disturbance of the existing route, without the appropriate confirmed Diversion Order would be liable to enforcement action taken against the developer.

##### **Obstruction**

23. A public right of way should not be used to store materials, vehicles or machinery and if found to do so would be deemed an obstruction and the applicant would be subject to enforcement proceedings to remove.

##### **Publicity of Application**

24. All applications that affect a public right of way (footpath, bridleway or byway), must be publicised by site notice in at least one place on or near the land to which the application relates for not less than 21 days; and by publication of the notice in a newspaper circulating in the locality in which the land to which the application relates is situated.

#### Parish Council

25. No comments have been received

### **PLANNING CONSIDERATIONS**

#### Principle of the development

26. The Central Lancashire Core Strategy focuses on growth in the Key Service Centres such as Chorley town, where the application site is located.
27. 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.

28. 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.*
29. 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.
30. 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.*
31. 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.
32. The principle of the proposed development is, therefore, considered to be an acceptable one, subject to material planning considerations.

#### Impact on character and appearance of the locality

33. The building is within the St Laurence Conservation Area and also within close proximity to Grade II/\* listed Church of St Laurence and the Chorley Town Hall a Non-designated Heritage Asset (NDHA).
34. 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)
35. 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)
36. 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.

37. In relation to conservation areas decision makers should consider the impacts on the character and appearance of a conservation area separately and that development proposals need to satisfy both aspects (to preserve or enhance) to be acceptable.
38. The application proposes the change of use from a night club to a HMO, which would incorporate a first floor extension at the rear. The extension would build up the existing walls in matching brick, with a parapet wall forming the side elevations with a mansards slate roof. In addition a higher brick section is proposed in the south east corner to allow for a stairwell. The windows of the existing rear extension will be partially blocked up, to become smaller to allow for the extensions and alteration.
39. The Councils Design and Conservation officer was consulted on the application and considered the impact to the setting of the nearby listed buildings. The officer comment that the contribution made by the setting to the significance of the listed church and railings is eroded somewhat due to the culmination of C20 development and infrastructure. The proposal site is directly opposite and therefore impact to the setting is inevitable however, this is largely limited to the works to the principal elevation, therefore as discussed above, the level of impact will be dependent on the treatment of the proposed changes to the windows. The proposed works to the rear, however, would have limited to no visible connection. Furthermore, the proposal is located adjacent to the NDHA of Chorley Town Hall. The Design and Conservation officer stated that there is minimal visual connection due to an intervening car park and C20 development. Therefore, they consider there will be no discernible loss or harm caused by the proposal.
40. The Councils Design and Conservation officer also considered the impact of the proposed development to the Conservation Aea. The officer stated that they have no objection to the principle of an HMO. In addition are mindful that by bringing the building into active re-use is the best way of helping to sustain the significance of the building and its importance to the Conservation Area. The officer originally raised concerns relating to the loss of the windows to the front of the building, however, the agent confirms that the windows will not be replaced and the plans reflect this.
41. The Design and Conservation officer also commented on the proposed works required for the conversion of the rear section of the building. They acknowledge that the rear has a lesser impact on the Conservation Area as a whole and that the surrounding buildings and area to the rear has been somewhat eroded with C20 development.
42. Nevertheless, they consider the rear brick building has a positive impact on this part of the Conservation Area due to its built form as an assembly hall and its simple but well crafted architectural details such as the door and window surrounds. Much of this detail would be lost and replaced with small square windows which would, in their opinion, appear at odds with the historic integrity of the building and the character and appearance of the Conservation Area.
43. In addition they considered the added scale and height of the proposed mansard roof would also appear incongruous with the character of the building. However, they are mindful of the adjacent development with a similar style mansard roof and the wider setting of larger scale C20 development. And as such it is considered that the impact/harm to the character and appearance to the Conservation Area overall would be slight/low (less than substantial).
44. It is considered the extension works to the rear of the building would fail to meet the statutory test 'to preserve or enhance; and would result in a low level of harm (less than substantial) to the significance of the Conservation Area. The LPA will be required to consider these impacts in its planning balance under P.208 of the NPPF. If a positive balance cannot be reached, then the proposal would not meet the objectives of Chapter 16 of the NPPF
45. As the Design and Conservation officer highlights the adjacent development to the application site is of a similar style mansard roof. The proposal would appear very similar to this building, both in design, scale and form. The surrounding development is a mixture of 2 and 4 storey buildings, with an open car park. The proposal would largely retain the main

part of the existing building, and bring it back into a viable use. In addition to this it would provide residential accommodation in the form of an HMO and would provide footfall and custom to the town centre. While the loss of the highlighted architectural details is regrettable, given the character of the surrounding development and the highlighted benefits of the proposal there is considered to be a positive planning balance, which would accord with P 208 of the NPPF. On the basis of the above it is also considered that the proposed development would not be harmful to the character of the area, thereby complying with Chorley Local Plan policy BNE1.

#### Impact on neighbour amenity

46. 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.
47. The surrounding development is a mixture of 2 and 4 storey buildings, with an open car park to the west. The building to the south is currently vacant, but was last the "White Hart", and has been closed for several years. To the north is a hair and beauty salon, with a road between. Given the distance to neighbouring properties and the scale of the proposal, it is not considered that the proposal would cause any significant harm neighbouring amenity.
48. With regards to the impact of future occupiers of the development the Councils Environmental Health officer comments that while they had no objection in principle, they did recommend that due to the proximity of existing late night town centre licensed premises, that an acoustic report is commissioned to establish whether any mitigating measures are required to ensure that the future occupants of the dwellings are not exposed to excessive levels of disturbance. However, following further investigation by the case officer, it would appear that the Council owns the 'White Hart' building and it has not been operating for some time. Furthermore, it is not currently the owners intention to bring the building back into use as a drinking establishment. Notwithstanding this, as the White Hart is not currently in use, it would be difficult to carry out a meaningful Noise assessment.
49. Having regard to the above, the proposal is considered to accord with Chorley Local Plan policy BNE1 in respect of amenity.

#### Parking provision and highway safety

50. 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.
51. 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.
52. Policy ST4 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.
53. LCC Highways were consulted on the application and stated that there are highway safety concerns with on street parking at the easterly extent of the building and that no cycle storage had been detailed. LCC confirmed that the application can be supported if the applicant shows the highway improvements, cycle storage and a Construction Traffic Management Plan. Plans have been submitted removing parking from the identified area and proposing bollards to this area preventing parking. It is suggested that a condition is

imposed that prior to occupation these bollards are installed. Cycle storage has also been provided and is also recommended to be secured by planning condition. In addition to this a Construction Traffic Management Plan can be required by condition.

54. These plans are being considered by LCC Highways and their final comments will be provided. However, LCC Highways have stated that they do not have any objections to the proposed development subject to these amendments 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. The site is within the town centre boundary and it is, 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 a railway station.
55. Furthermore, it is not anticipated that there would be a material change in the amount of traffic in the vicinity of the site as a result of the development or that the proposed development would attract a greater number of vehicles than the previous use of the building as offices. 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

#### Community Infrastructure Levy

56. This is not a chargeable development for the purposes of the Community Infrastructure Levy.

#### **CONCLUSION**

57. The proposed development would not have an unacceptable adverse impact on the character and appearance of the application site or the surrounding area, nor would it cause any significant harm to the amenity of neighbouring residents or highway safety. The benefits of the development are considered to outweigh the identified slight/low (less than substantial) harm to the conservation area. It is, therefore, considered that the development accords with The National Planning Policy Framework and Policy BNE1 of the Chorley Local Plan 2012 – 2026.

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

**Ref:** 87/00714/ADV **Decision:** PERFPP **Decision Date:** 10 November 1987  
**Description:** Display of illuminated wall mounted advertisement sign at applejax (former conservative club)

**Ref:** 87/00620/ADV **Decision:** PERFPP **Decision Date:** 29 September 1987  
**Description:** Illuminated wall mounted sign

**Ref:** 84/00247/FUL **Decision:** PERFPP **Decision Date:** 3 May 1984  
**Description:** Alterations to front and side elevations of old conservation club

**Ref:** 81/00143/FUL **Decision:** PERFPP **Decision Date:** 6 April 1981  
**Description:** Change of use to licensed premises

**Ref:** 81/00133/FUL **Decision:** PERFPP **Decision Date:** 6 April 1981  
**Description:** Change of use of Club to use for Religious Assembly

**Ref:** 5/1/01113 **Decision:** PERADV **Decision Date:** 10 November 1958  
**Description:** illuminated hanging sign

**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:

Title	Plan Ref	Received On
Site Location Plan	EX03	2 April 2024
Proposed Elevations	P02	2 April 2024
Proposed Elevations	p03 REVB	9 May 2024
Proposed Floor Plans	P01 REV B	9 May 2024

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

3. Prior to the commencement of development samples of all external facing and roofing materials (notwithstanding any details shown on previously submitted plan(s) and specification) shall be submitted to and approved in writing by the Local Planning Authority. All works shall be undertaken strictly in accordance with the details as approved.

*Reason: To ensure that the materials used are visually appropriate to the locality.*

4. Prior to the first occupation of the development hereby approved, the bollards show on approved plan 3730-01 D01 rev A, shall be installed and retained for the life of the development.

*Reason: To ensure highway safety.*

5. Before the development hereby permitted is first occupied, provision for cycle parking, in accordance with approved plan drawing no. FC-15-2024 DP01 Rev B 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.*

6. No part of the development hereby approved shall commence until a scheme for the construction of the site access and the off-site works of highway improvement has been submitted to, and approved by, the local planning authority in consultation with the Highway Authority as part of a section 278 agreement, under the Highways Act 1980.

*Reason: In the interest of highway safety; to ensure a satisfactory appearance to the highways infrastructure serving the approved development; and to safeguard the users of the highway and the visual amenities of the locality.*

7. Prior to the commencement of development a Construction Traffic Management Plan (CTMP) shall be submitted to and approved in writing by the Local Planning Authority (in conjunction with the highway authority). The CTMP to include the following provisions:-

- a) The parking of vehicles of site operatives and visitors;
- b) Loading and unloading of plant and materials used in the construction of the development;
- c) Storage of such plant and materials;
- d) Wheel washing and road sweeping facilities, including details of how, when and where the facilities are to be used;



- e) Periods when plant and materials trips should not be made to and from the site (mainly peak hours but the developer to identify times when trips of this nature should not be made)
- f) Routes to be used by vehicles carrying plant and materials to and from the site;
- g) Measures to ensure that construction and delivery vehicles do not impede access to adjoining properties.
- h) Construction hours of operation.

*Reasons: to protect existing road users and to maintain the operation and safety of the local highway network and to minimise the impact of the construction works on the local highway network.*