

Item 4i **13/00867/FUL**

Case Officer **Mr Matthew Banks**

Ward **Chorley South East**

Proposal **Change of use from existing mixed use comprising B1 (a) (offices) and D1 (place of worship) use to form 6no. one bedroom apartments. External works to include renovation of external elevations to insulate and render the building, alterations to windows and doors and alterations to the existing ground floor access ramp.**

Location **Ground Floor And First Floor The Community Church 12 - 16 Halliwell Street ChorleyPR7 2AL**

Applicant **Adactus Housing**

Consultation expiry: 18 October 2013

Application expiry: 14 November 2013

Proposal

1. Change of use from existing mixed use comprising B1 (a) (offices) and D1 (place of worship) use to form 6no. one bedroom apartments. External works to include renovation of external elevations to insulate and render the building, alterations to windows and doors and alterations to the existing ground floor access ramp.

Recommendation

2. It is recommended that this application is granted full conditional planning approval subject to the signing of a Section 106 Legal Agreement.

Main Issues

3. The main issues for consideration in respect of this planning application are:
 - Principle of the development;
 - Design and impact on the streetscene;
 - Impact on the neighbour amenity;
 - Impact on highways/access;
 - Section 106 Agreement / Community Infrastructure Levy.

Representations

4. To date, a total of 4no. letters of objection have been received concerning this application. The comments received can be summarised as follows:
 - Concerns regarding anti-social behaviour in the immediate and surrounding area, including problems arising from the existing adjacent flats.
 - Concern regarding the prospective tenants who will live in the flats.
 - The impact on parking.
 - Elderly people reside in the area.

Consultations

5. **Coal Authority** – Standing advice.
6. **Lancashire Community Safety** – have no comments to make.
7. **United Utilities** – no objections.
8. **CBC Environmental Health** – no comments to make.

9. **Lancashire County Council Highways** – The site appears to provide space within the curtilage to allow some parking spaces to be provided. However, LCC Highways are unable to ascertain whether this space is able to accommodate the required number of car parking spaces, cycle storage area and necessary turning space to allow vehicles to exit the site in forward gear. LCC Highways have also been unable to assess the suitability of the existing access in terms of its width and capability to accommodate the proposal.
10. **CBC Planning Policy** – This application would provide affordable housing in a sustainable location. However, it involves the loss of a community facility and employment premises. The applicant should provide evidence to address the requirements of Core Strategy Policy 25 and emerging Local Plan policy HW6 on Community Facilities and Core Strategy Policy 10 and its associated SPD on the loss of employment premises.
11. CBC Planning Policy advise that a contribution of £11,328 is required in accordance with the relevant typologies outlined in the Open Space and Playing Pitch Supplementary Planning Document (SPD). This would be secured by Section 106 Legal Agreement.

Assessment

Principle of the development

12. This application seeks permission for a change of use of an existing place of worship (at ground floor) and offices (at first and second floor) to form 6no. one bedroom apartments.
13. The proposal is in Chorley Town, which Core Strategy Policy 1 identifies as a Key Service Centre, where growth and investment, including housing growth, should be concentrated. In the Adopted Chorley Borough Local Plan the application site lies within the town centre inset, but is not within the shopping centre or within an office zone. Within the emerging Local Plan the proposal lies just outside the town centre boundary as defined on the Policies Map. The application site is considered to be in a sustainable location, where housing use is acceptable in principle, subject to compliance with other plan policies.
14. The proposed development would provide affordable housing in the form of 6no. one bedroom apartments. There is a significant need for more affordable housing in the Borough and this proposal would provide affordable housing in a sustainable location and help to meet this need. It is also relevant to note that in providing affordable housing, this proposal helps to achieve one of the Council's Corporate Priorities.
15. The proposed development involves the loss of a place of worship, which as a community facility is covered by Core Strategy Policy 25. Policy 25 aims to ensure that local communities have sufficient community facilities and resists the loss of existing facilities by requiring evidence that they are no longer viable or relevant to local needs.
16. With regard to status of the emerging Local Plan (2012-2026), it is relevant to note on 25th October, the Inspector issued her Partial Report on her findings into the soundness of the Chorley Local Plan which is a material consideration in the consideration of any planning application.
17. In summary, the plan is considered to be legally compliant. In relation to soundness, the plan is considered sound, with the exception of matters relating to Gypsies & Travellers. The examination of the local plan remains open, and the Inspector will reconvene the examination in April 2014 to consider Gypsy & Traveller Matters, which would enable adoption of the local plan by September 2014, following a supplementary report.
18. Paragraph 18 of the Partial Report states: *“For the avoidance of doubt, the Plan may not be adopted until it has been changed in accordance with all of the main modifications set out in the Appendix to this partial report and any which may be specified in the Appendix of my forthcoming supplementary report. However, because of the very advanced stage in the examination process that the main modifications set out in the attached Appendix have reached, significant weight should be attached to all policies and proposals of the Plan that are amended accordingly, where necessary, except for matters relating to Gypsies and Travellers.”*

19. It is therefore considered significant weight should be afforded to the policies and proposals of the submitted Local Plan, as amended by the main modifications.
20. Policy HW6 of the emerging Local Plan has been amended for consistency with The Framework, but can now be attributed significant weight. Like Policy 25 of the Core Strategy, Policy HW6 relates to community facilities. This policy aims to protect community facilities and states that development proposing the loss of such facilities will be permitted where it can be demonstrated that: (a) The facility no longer serves the local needs of the community in which it is located; and (b) Adequate alternative provision has been made, or is already available in the settlement or local area; and (c) The use is no longer financially viable; and (d) The facility is in an isolated location remote from public transport routes; or (e) There is an amenity or environmental reason why the facility is no longer acceptable.
21. The applicant has responded to the requirements of Policy HW6 stating that the current owners of the site use the ground floor as a community centre, however, due to the size of the existing building and its physical restrictions, are expanding and have moved to St Michaels School in Preston. There are currently various items stored on the ground floor and these will be moved once the property is formally handed over to Adactus Housing.
22. As such, it is considered that the facility is no longer capable of serving the local needs of the community in this locality, given the expansion requirements, and adequate, alternative provision has already been made by the current occupier to secure the facility use elsewhere. As such, it is considered the development would be in compliance with criterion (a) of Policy HW6. Although the current owner has made alternative provision, which is adequate for their needs, this is outside the borough. As such, the second part of criterion (b) is not met.
23. The development also involves the loss of some B1 (a) office space at first and second floor and as such, the requirements of Policy 10 of the Core Strategy and the provisions in the Supplementary Planning Document (SPD) on Controlling the Re-Use of Employment Premises apply.
24. Policy 10 of the Core Strategy seeks to protect employment uses unless a number of criteria (a-h) can be met. Criteria (a) – (f) can be summarised as follows: (a) There would not be an unacceptable adverse impact on the type, quality and quantity of employment land supply; (b) The provision and need for the proposed use; (c) The relative suitability of the site for employment and for the alternative use; (d) The location of the site and its relationship to other uses; (e) Whether the ability to accommodate smaller scale requirements would be compromised; (f) There would be a net improvement in amenity.
25. In assessing the proposal in context of the above, it is considered the development would not have an unacceptable adverse impact on the type, quality and quantity of employment land supply in the borough and so would be in accordance with criterion (a). The proposed development would result in the provision of much needed affordable housing to this area and is considered to be a suitable site for the provision of such a use and so accords with criteria (b) and (c). It is considered the relationship of the site for the proposed use is appropriate in the context of other uses in the surrounding area and there would be a net improvement in amenity. The development is therefore in accordance with criteria (d - f).
26. Aside from the above, the development would result in the re-use of the site for housing purposes and so criteria (g) and (h) of Core Strategy Policy 10 are triggered. These criteria state that proposals for housing on employment sites will be subject to: (g) Convincing evidence of lack of demand through rigorous and active 12 month marketing period for employment re-use and employment redevelopment and; (h) An assessment of the viability of employment development including employment re-use and employment redevelopment.
27. In response to the above, the applicant has submitted a marketing statement. This indicates that the property was marketed, initially for sale, in August 2010. The property was then advertised on a For Sale and To Let basis in September 2011. The applicant advises that a mail shot was undertaken to both regional agents and interested parties and a sale board was

erected to the front. Advertisement also included insertions on the seller's website as well as Rightmove.

28. Enquiries were received by telephone, internet and in person which resulted in further details being requested and 12 viewings undertaken by local businesses and charities. However, none of these enquiries resulted in enough interest in taking the premises forward under the lawful use.
29. As such, it is considered reasonable to conclude that there is a lack of demand for the re-use of these premises which has been demonstrated through the marketing process, to indicate that an employment re-use would be secured at the site.
30. The development is therefore considered to be in accordance with criteria (g-h) of Policy 10, and it is not considered a refusal of the application could be sustained on these grounds.
31. Aside from the above, it should also be acknowledged as a material planning consideration that under Class J of the Town and Country Planning (General Permitted Development) Order 1995 (as amended), the office use (B1a) at first and second floor could be changed to dwellinghouses (C3) without planning permission through a prior approval procedure.

Design and impact on the streetscene

32. At a national level The National Planning Policy Framework (The Framework) states that the Government attaches great importance to the design of the built environment and good design is a key aspect of sustainable development.
33. The Framework also states that planning policies and decisions should aim to ensure that developments (amongst other things) will function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development.
34. At a local level, Policy 17 of the Core Strategy states that the design of new development should take account of the character and appearance of the local area, including (amongst other things) design, materials and ensuring development is sympathetic to surrounding land uses.
35. Policy BNE1 of the emerging Local Plan (2012-2026) outlines the design criteria for new development, stating that a proposal should not have a significant detrimental impact on the streetscene by virtue of its density, siting, layout, building plot ratio, height, scale and massing, design, materials orientation, use of materials.
36. This proposed development primarily relates to a change of use internally, however, the development would involve the rendering of the building to a cream 'linen' colour to update the tired appearance of the property. The development would also include the alteration of various windows and doors and the construction of a new ramped access to the front complete with black railings.
37. The proposed render would not only update the tired appearance of the building, but would result in improved insulation to the building.
38. Taking into consideration the extent of the external alterations to the building and the mixture of facing materials in the immediate and surrounding area (including different brick types and render), it is not considered the proposed development would result in significant detrimental harm to the character of the streetscene in terms of design or appearance to warrant refusal of the application on these grounds.

Impact on the neighbours

39. At a national level, The Framework states within one of its twelve core planning principles that planning should always seek to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings.

40. Policy 17 of the Core Strategy states that the design of new development should take account of the character and appearance of the local area, including ensuring that the amenities of occupiers of the development will not be adversely affected by neighbouring uses and vice versa. The Core Strategy also states that development should be sympathetic to surrounding land uses and occupiers, and should not result in demonstrable harm to the amenities of the local area.
41. Policy BNE1 of the emerging Local Plan (2012-2026) states that new development should not cause harm to any neighbouring property by virtue of overlooking, overshadowing or overbearing.
42. A number of comments have been received from neighbouring residents regarding issues of anti-social behaviour in the area. However, in terms of the planning issues concerning neighbour amenity, it is only considered appropriate to assess the use of the building for residential purposes regardless of who may occupy the building. Comments have been sought from Lancashire Community Safety and no objection has been received.
43. Should issues of anti-social behaviour arise in this area as a result of tenants occupying the proposed flats or indeed as a result of people using the existing adjacent flats, then it would be a matter for the police and landlord (Adactus) to investigate and resolve. It is not considered a refusal of the application could be sustained on these grounds. Likewise, the assessment in relation to neighbour amenity purely takes into account of the living conditions of existing residents.
44. The existing use as a place of worship and offices could result in substantial and regular periods of noise and disturbance throughout the day, including into weekend periods. However, it is considered the use of the building for residential purposes is likely to have less of an impact in terms of neighbour amenity. Additionally, it is relevant to note that the application site is within close proximity to a busy part of the town centre and so a degree of noise and disturbance may well be an existing factor.
45. In terms of the proposed layout, it is noted that a number of windows would serve habitable rooms and so there is potential for overlooking of adjacent properties. To the north of the site is Halliwell Street and further to that a vacant piece of land and a block of apartments known as No. 17 Halliwell Street. To the east is an existing block of flats owned by Adactus Housing Group (the applicant) and further to that a number of residential properties primarily occupied by elderly or retired people. To the south is a small yard area and further to that a number of offices. To the west are the rear elevations of Nos. 93A - 99 Market Street, some of which include living accommodation at first floor and associated outdoor amenity space to the rear.
46. Given the scale and nature of the proposal, it is not considered the proposed development would result in any significant detrimental harm in terms of overlooking, loss of privacy or overbearing to properties to the north, east or south of the site. However, with regard to the relationship to the east, it has been noted that two secondary bedroom windows would be installed facing the rear elevations and garden areas of the properties fronting Market Street. As such, to maintain an acceptable relationship, it is considered these windows will be obscure glazed to prevent any adverse overlooking or loss of privacy. Such a condition is considered reasonable in this case as the principal window to each bedroom would be positioned to the rear, thereby ensuring adequate living conditions for the prospective occupier. This restriction would be secured by planning condition.
47. The development is therefore in accordance with The Framework, Policy 17 of the Core Strategy and Policy BNE1 of the emerging Local Plan (2012-2026).

Access and parking

48. In respect of highway safety, The Framework states that development should only be prevented or refused on transport grounds where the residual cumulative impact of development is severe.

49. In addition, Policy ST4 of the emerging Local Plan states that development will need to make parking provision in accordance with the standards set out in Appendix D of the Plan. However, locations that are considered to be more sustainable and are well served by public transport may be considered appropriate for lower levels of provision. In addition, local circumstances will be taken into consideration.
50. Comments have been received from LCC Highways who note that the site appears to provide space within the curtilage to allow some parking spaces to be provided. However, LCC Highways are unable to ascertain whether this space will be able to accommodate the required number of car parking spaces, cycle storage area and necessary turning space to allow vehicles to exit the site in forward gear. LCC Highways have also been unable to assess the suitability of the existing access in terms of its width and capability to accommodate the proposal.
51. The application site includes an area to the rear which has been informally used for parking cars. However, it is clear that this area is not suitable to formally provide off-road parking to serve the development as the space is extremely limited. Access and egress from this area is difficult and the area gives very limited provision to turn a vehicle and leave in forward gear. As a result, the applicant has advised that there will be no allocated off-road parking in connection with the proposed development, although they have emphasised they will encourage alternative modes of transport to prospective occupiers.
52. In terms of assessing the development in the context of Policy ST4, it is considered particularly relevant to take account of a number of site specific circumstances.
53. Firstly, the application site is within very close proximity to Chorley Town Centre where many of the properties do not benefit from off-road parking. This is the case with the application site, however, it should be noted that permit holder parking is available to the front and large car parks exist in the immediate area.
54. The site is also in an extremely sustainable location within walking distance of vital services as well as major bus and train links and has quality pedestrian facilities in terms of usable footways and crossings. Additionally, it is relevant to note that the requirement for off-road parking in this case would be 6no. cars (one for each flat), however, parking demand is likely to be significantly greater if the site was fully operating as a place of worship and office. It is also relevant to note that the flats would be affordable in tenure and so the level of car ownership is expected to be lower than if the development was for private market housing, particularly in an urban location. It is therefore considered that the use as flats could actually have benefits in terms of relieving the parking situation in the area.
55. Therefore taking into account the existing potential impact on the highway network from the lawful use, compared to the likely impact to be experienced by the proposed use, it is not considered the residual cumulative impact of the development would be so severe in this case to warrant refusal of the application on highway grounds.
56. The development is therefore in accordance with the relevant guidance in The Framework and the reduction in provision can be justified taking into consideration the local circumstances at the site.

Section 106 Agreement / Community Infrastructure Levy

57. The Open Space and Playing Pitch SPD was adopted for development control purposes at the Council meeting on 17th September 2013. Consequently, new open space provision or a financial contribution for new provision or improvements is required where there is an identified deficiency in quantity, accessibility or quality/value. The comments below are based upon the standards within emerging Local Plan Policies HS4A and HS4B and the approach in the SPD.
58. A Section 106 legal agreement is therefore necessary in the case of this application to secure the requisite contribution. The Council's Planning Policy team have advised the sum of £11,328 is required in this case, on the basis of the following justification:

59. Amenity Greenspace - emerging Local Plan Policy HS4A sets a standard of 0.73 hectares per 1,000 population. There is currently a deficit of provision in Chorley South East in relation to this standard, a contribution towards new provision in the ward is therefore required from this development. The amount required is £140 per dwelling.
60. Provision for children/young people - emerging Local Plan Policy HS4A sets a standard of 0.08 hectares per 1,000 population. There is currently a deficit of provision in Chorley South East in relation to this standard, a contribution towards new provision in the ward is therefore required from this development. The amount required is £134 per dwelling.
61. Parks and Gardens - There is no requirement to provide a new park or garden on-site within this development. There are no parks/gardens within the accessibility catchment (1,000m) of this site identified as being low quality and/or low value in the Open Space Study therefore a contribution towards improving existing provision is not required.
62. Natural and Semi-Natural Greenspace - There is no requirement to provide new natural/semi natural greenspace on-site within this development. There are no areas of natural/semi-natural greenspace within the accessibility catchment (800m) of this site identified as being low quality and/or low value in the Open Space Study.
63. Allotments - There is no requirement to provide allotment provision on site within this development. The site is within the accessibility catchment (10 minutes' drive time) of allotments that are identified as being low quality and/or low value in the Open Space Study (ref 1644 – Whittam Road/Moor Road Allotments, ref 1646 – Allotments rear of Worthy Street, ref 1647 – Rear of 297-315 Chapel Lane, ref 1648 – Rear of Bay Horse Hotel, Preston Road).
64. The site is also within the accessibility catchment (10 minutes' drive time) of a proposed new allotment site at Land at Sylvesters Farm, Euxton (HW5.2). A contribution towards either new provision or improving the quality of existing sites is therefore required from this development. The amount required is £15 per dwelling.
65. Playing Pitches - A Playing Pitch Strategy was published in June 2012 which identifies a Borough wide deficit of playing pitches but states that the majority of this deficit can be met by improving existing pitches. A financial contribution towards the improvement of existing playing pitches is therefore required from this development. The Playing Pitch Strategy includes an Action Plan which identifies sites that need improvements. The amount required is £1,599 per dwelling.
66. The sum of £11,328 can be summarised as follows: Amenity greenspace (£840); Equipped play area (£804); Parks/Gardens (£0); Natural/semi-natural (£0) Allotments (£90); Playing Pitches (£9,594).
67. With regard to the Community Infrastructure Levy (CIL), the proposal would result in 6no. one bedroom flats and so the development is CIL exempt in accordance with the adopted charging schedule.

Overall Conclusion

68. This proposal results in the loss of a community facility and employment use within a very sustainable location without alternative provision within the area. However, it is important to note that the relocation of this community facility has been generated by the users of the facilities operational needs which cannot be accommodated within the existing building. This is material to the consideration of this application.
69. The proposed use contributes to the Council's Corporate Priority of affordable dwelling provision. The provision of 1 bed accommodation for which there is an identified need, within a sustainable location, is considered to be an appropriate re-use of this building which is a material consideration in respect of the proposals.

70. Although the proposals are contrary to Policy 25 of the Adopted Central Lancashire Core Strategy, taking into account the above material considerations, this application is recommended for approval.

Planning Policies

National Planning Policy Framework

Central Lancashire Core Strategy

Policies 1, 10, 17 and 25

Adopted Chorley Borough Local Plan Review

Policies GN1, GN5, HS4 and TR4

Emerging Local Plan (2012-2026)

Policies HW6, BNE1, ST4, HS4A and HS4B

Supplementary Planning Guidance:

Adopted Supplementary Planning Guidance: Design Guidance

Open Space and Playing Pitch SPD

Core Strategy Proof of marketing SPD

Planning History

There is no relevant history concerning the application site.

Recommendation: Permit (Subject to Legal Agreement) Conditions

1. The 6no. one bedroom apartments hereby permitted shall be affordable dwellings only, shall be retained in perpetuity as affordable dwellings and shall meet the definition of affordable housing as defined in Annex 2: Glossary of the National Planning Policy Framework or any future guidance that replaces it. *Reason: The provision of one bedroom accommodation, for which there is an identified need within this sustainable location, is a material consideration in respect of the proposals.*

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

Indexed	Drawing title	Drawing reference	Revision
16/09/2013	Existing Floor Plans, Elevations and Site Plan.	001	-
16/09/2013	Location Plan	-	-
10/10/2013	Proposed Floor Plan, Elevations and Site Plan.	002	B

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

3. The windows serving bedrooms at first and second floor in the western elevation of the building hereby permitted shall be fitted with obscure glass and obscure glazing shall be retained at all times thereafter. The obscure glazing shall be to at least Level 3 on the Pilkington Levels of Privacy, or such equivalent as may be agreed in writing by the local planning authority. *Reason: In the interests of the privacy of occupiers of neighbouring property.*

4. The external facing materials, detailed on the approved plans, shall be used and no others substituted. *Reason: To ensure that the materials used are visually appropriate to the locality.*

5. 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*