

Item 3g **14/01087/FUL**

Case Officer **David Stirzaker**

Ward **Chorley South East**

Proposal **Refurbishment and change of use of existing public house to form 7 No new apartments**

Location **The Queens, 52 Chapel Street, Chorley, PR7 1BS**

Applicant **Mr Nick Burton**

Consultation expiry: **16th December 2014**

Decision due by: **19th January 2015 (Extension of time agreed to 23rd January 2015)**

Recommendation
Permit Planning Permission

Executive Summary

The main issues to consider are whether the conversion and extension of the property to form 7 no. apartments is acceptable in principle, whether or not neighbour amenity will be harmed, if the character and appearance of the locality and Conservation Area will be maintained and enhanced, if the level of parking provision is acceptable and highway safety. For the reasons set out below, it is considered that the proposed extension is consistent with the aims of the Framework and in accordance with the provisions of the development plan.

Representations

To date, 1 no. representation has been received:
Objection
Total No. received: 1
<ul style="list-style-type: none">• The re-use of the pub for residential purposes would lead to an increased level of noise and disturbance through the noise of cars coming and going and the gates opening and closing• A loss of amenity would be caused by overlooking from the windows facing 2 Victoria Street

Consultees

Consultee	Summary of Comments received
LCC (Highways)	Advise that the proposed apartments (7 no.) would each require a parking space, but the total number of spaces provided is below this as 6 no. spaces are proposed. LCC (Highways) note that there is some on-street parking provision on Victoria Street, but the spaces are for Resident Permit holders only which given the number of dwellings in the street may have been over subscribed. The on-street parking provisions on Chapel Street, Halliwell Street and Albert Street are also mainly for short stay parking and the roads in the immediate vicinity of the site are extensively restricted in terms of on-street waiting of vehicles. It is therefore important that the site's parking needs are fully met, if unsatisfactory on-street parking conditions are to be avoided in the area. From the proposed plan, it appears modifications can be made to allow for the single additional parking space to be accommodated. Also, the cycle storage needs to be covered and secured; and the access to the bin store properly defined.
Planning Policy	Planning Policy has considered the applicants statement addressing Policy HW6 and do not raise any objections to the application on this basis.
Conservation Officer	Conservation Officer considered that the development is acceptable and advises as follows: - <ul style="list-style-type: none">• The site is comprised of a former public house that is identified as a 'locally important building' within the Chorley Council approved List of Locally Important Buildings that was approved by the Council's Executive Cabinet on 29 March 2001. The building is thus defined as a Heritage asset by Annex 2 to the Framework.• The building is located within the St George's Street Conservation Area for which an appraisal and management proposals document was adopted by the Chorley Council Executive Cabinet as part of the evidence base for the emerging local development Framework on 12 February 2009. The St Georges Street Conservation Area was first designated by Chorley Council on December 19 1985.• The building is currently vacant and in a deteriorating condition and is desperately seeking a new, sustainable use. At present the condition of the building is causing harm to the significance of both the

	<p>building itself and the St George's Street Conservation Area.</p> <ul style="list-style-type: none">• The proposed use retains the essential character and the embodied significance of the heritage asset. That significance and that which is imbued by it within the St George's Street Conservation area will be sustained and probably enhanced as a result of the proposed development.
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Proposed Development

1. This application proposes the conversion and extension of an existing three storey public house to form 7 no. single bedroom apartments. The extension takes the form of a two storey rear extension which projects 3.1m and has a width of 4.4m.
2. The public house is located in the settlement of Chorley and fronts onto Chapel Street and also has a side elevation facing onto Victoria Street. The building is in the Conservation Area although this excludes the car park at the rear. The proposals also include the laying out of the existing car park to form 6 no. spaces and the provision of a bin storage area.
3. The applicant states that the pub closed in 2009 and has remained unoccupied since despite being marketed for both sale and lease.

Principle of the Development

4. The application site is located in the settlement of Chorley and is also in the Town Centre boundary as defined in the emerging Chorley Local Plan. Under Policy HW6 of the emerging Chorley Local Plan, which seeks to protect existing community facilities, the five criteria need to be met in order for a proposal to be considered acceptable. These stipulate that (a) the facility should no longer be needed to serve the local community, (b), there is adequate alternative provision in the area, (c), the use is no longer financially viable, (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 available.
5. The applicant has submitted a statement to address Policy HW6. In relation to criteria a), the applicant advises that the Queens public house closed around 2009 following the continuing change in social trends and the subsequent drop in demand for public houses and that the building has remained unoccupied since it closed despite being marketed on both sale or lease terms. In this respect it is clear that the Queens along with a number of similar public houses in the town centre such as The Swan with Two Necks and Harrys Bar are surplus to requirements in terms of serving the local needs of the community. The remaining thirteen public houses within very short walking distance continue to support the needs of the local community.
6. In relation to criteria b), the applicant states that there are currently thirteen public houses within very easy walking distance of the Queens: Leigh Arms, Sams Bar, The Railway Hotel, Last Orders, White Bull, Rose and Crown, The George, The Market Tavern, The Prince of Wales, The White Hart, Sir Henry Tate, Malt n Hops, Trader Jacks. This list excludes public houses on the periphery of the town centre and as such establishes that more than adequate alternative provision is already available in the local area. Also, a new 'micro' public house, the Shepherds Hall Ale House, which is opposite the application site, was recently opened following a grant of planning permission (Ref No. 14/00339/FUL) last year.
7. With regards to criteria c), the applicant states that a number of public houses within the immediate vicinity have closed due to lack of demand following changes in social trends away from traditional recreational activities. Also, there are thirteen existing public houses within an approximate 150m radius of the application site all vying for the remaining custom. Given the deterioration of the building fabric and the capital investment required to rectify the situation, the lack of public demand and competition from other existing facilities the Queens cannot be considered financially viable. The applicant also states that in July 2014, a pre application enquiry for the change of use to a Restaurant/Casino in an effort to make the facility financially viable was submitted to the Council but the enquiry was not considered favourably.
8. In terms of criteria d), the applicant states that the facility is located immediately opposite the town centre bus terminus and not far from Chorley train station, the facility cannot be considered remote from public transport routes and in relation to criteria e), the applicant states that in terms of a pure amenity use it has previously been demonstrated that the

facility is no longer acceptable due lack of demand, fabric/aesthetic deterioration and competition from similar facilities close by.

9. The applicant concludes by stating that it should be considered The Queens, as a community facility, is surplus to requirements due to lack of demand, changes in recreational trends and competition from the thirteen similar facilities within the immediate vicinity.
10. The submitted evidence has been considered by Planning Policy and has been deemed to suitably address the requirements of Policy HW6 of the emerging Chorley Local Plan. This being the case, the 'principle' of converting the building to 7 no. apartments is considered to be an acceptable one.

Design and Scale

11. The main envelope of the building, which has been designated by the Council as a Locally Important Building, will remain unchanged in terms of its frontage onto Chapel Street and Victoria Street. A two storey extension is proposed in place of a fire escape to the rear elevation to provide bedroom accommodation to a ground and first floor flat respectively. The extension incorporates a flat roof and projects 3.1m and has a width of 4.4m. Given the extension is proposed on the rear elevation and will not occupy a prominent position in the streetscene, subject to suitable facing materials, it is not considered that the extension will have a harmful impact on the character and appearance of the existing building whilst the conversion scheme overall will enhance this Locally Important Building.

Impact on character and appearance of Conservation Area

12. The application includes a Heritage Statement which states that the facades to Chapel Street and Victoria Street will be retained as will the original roof scape. It is also stated that doors and windows will be replaced with units to match the existing ones. The statement makes the point that converting the building will prevent further deterioration of a prominent building which is important in the locality.
13. The existing building is in the St Georges Conservation Area and consideration of the application has to made in relation to paragraphs 66 and 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 are relevant to the '*Special considerations affecting planning functions*'.
14. Section 66 states: *In considering whether to grant planning permission for development which affects a listed building or its setting, the local planning authority or, as the case may be, the Secretary of State 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.*
15. *Without prejudice to section 72, in the exercise of the powers of appropriation, disposal and development (including redevelopment) conferred by the provision of sections 232, 233 and 235(1) of the principal act, a local authority shall have regard to the desirability of preserving features of special architectural or historic interest, and in particular, listed buildings.*
16. Section 72 states: *In the exercise, with respect to any buildings or other land in a conservation area, of any powers under any of the provisions mentioned in subsection (2), special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area.*
17. The provisions referred to in subsection (1) are the planning acts and Part 1 of the Historic Buildings and Ancient Monuments Act 1953. Annex 2 to the Framework defines a number of terms including 'designated heritage assets' which includes listed buildings, conservation areas and registered parks and gardens. Paragraphs 128, 129, 130, 131, 132, 133, 134, 135, 136, 137 and 138 of the Framework (the National Planning Policy

Framework, March 2012) are relevant. Policy 16 of the Core Strategy mirrors guidance in the Framework.

18. In considering the application with regards to the above legislation and guidance in the Framework, the Conservation Officer considered that the development is acceptable and advises as follows: -

- The site is comprised of a former public house that is identified as a 'locally important building' within the Chorley Council approved List of Locally Important Buildings that was approved by the Council's Executive Cabinet on 29 March 2001. The building is thus defined as a Heritage asset by Annex 2 to the Framework.
- The building is located within the St George's Street Conservation Area for which an appraisal and management proposals document was adopted by the Chorley Council Executive Cabinet as part of the evidence base for the emerging local development Framework on 12 February 2009. The St Georges Street Conservation Area was first designated by Chorley Council on December 19 1985.
- The building is currently vacant and in a deteriorating condition and is desperately seeking a new, sustainable use. At present the condition of the building is causing harm to the significance of both the building itself and the St George's Street Conservation Area.
- The proposed use retains the essential character and the embodied significance of the heritage asset. That significance and that which is imbued by it within the St George's Street Conservation area will be sustained and probably enhanced as a result of the proposed development.

19. Conditions are recommended by the Conservation Officer pertaining to facing and roofing materials, rainwater goods and soil pipes wherein repairs should match the existing elements and any new areas/sections should be agreed in writing with the Council. A condition requiring window details is also recommended.

20. The application includes a Heritage Statement which states that the facades to Chapel Street and Victoria Street will be retained as will the original roof scape. It is also stated that doors and windows will be replaced with units to match the existing ones. The statement makes the point that converting the building will prevent further deterioration of a prominent building which is important in the locality.

21. The Council's Conservation Officer has considered the application and accompanying Heritage Statement and on the basis of this, does not raise any objections to the application. This being the case, it is considered that the proposal will safeguard the designated heritage asset on the site and enhance the Conservation Area.

Impact on neighbours

22. The conversion scheme includes the construction of a two storey rear extension. However, this does not include any windows facing the side elevation of 2 Victoria Street, which contains a habitable room window at ground floor level. This extension would be at its nearest point approximately 7.5m from the gable end of this property but is not directly opposite the window which otherwise faces onto the rear elevation of the existing building. Also, the extension is due north of this window.

23. With regards to the two storey property adjoining the building, this is split into a ground and first floor apartment. There is a first floor window facing the extension, which will be approximately 6.9m away. However, this window appears to serve a non-habitable room as it is fitted with obscure glazing and given the extension only projects 3.1m, it is not considered that the extension will have a harmful impact on the living conditions of the occupier/s of the first floor flat.

24. In terms of the comments regarding noise and disturbance raised by the occupier of 2 Victoria Street, these are understandable given the pub has been closed for over 5 years

as local residents are likely to have become accustomed to the public house not generating notable levels of noise and disturbance. Whilst the apartments will lead to an increase in noise and disturbance once they are occupied, primarily through residents using the car park, it should also be borne in mind that the public house could in fact re-open without the need for planning permission and it is reasonable to assume that this would lead to greater levels of noise and disturbance than the apartments will generate.

25. In terms of the issue of overlooking, again raised by the occupier of 2 Victoria Street, the first and second floors of the existing building in the elevation facing this property contains three windows at first floor level and a single window at second floor level. The existing first floor window nearest to 2 Victoria Street is to be moved 2.2m along the elevation towards Victoria Street and will serve the lounge of apartment F. This window was originally proposed to be full height but to mitigate the increased perception of being overlooked, the applicant has agreed to raise the cill height of this window. On this basis, it is not considered that there is a material difference in terms of the existing first floor window and the proposed one nearest to 2 Victoria Street. With regards to the other first floor windows, the other first floor windows are located to the left hand side of the extension so will not cause undue overlooking. With regards to the second floor windows, these will replace a single window along with a door onto a fire escape so again, it is not considered that there will be a material difference between the existing situation and the proposed situation.

Traffic & Transport

26. LCC (Highways) advise that on street parking in the locality is limited hence it is important that each apartment has a single parking space as the proposed layout only proposes 6 no. spaces.
27. However, in favour of allowing a slight reduction in parking provision is the sustainable credentials of the site given it is located opposite the bus station and just over 90m to the train station. It is also in the Town Centre which includes a range of shops and services. On this basis, it is considered acceptable for a slight reduction in the level of car parking to be accepted.

S106 and CIL

28. The Open Space and Playing Pitch SPD was adopted for development control purposes at the Council meeting on 17th September 2013. A contribution, as set out below, would normally be required and secured through a S106 agreement, based on the standards within emerging Local Plan Policies HS4A and HS4B and the approach in the SPD.

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 the Chorley South East ward 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.

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 the Chorley South East ward 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.

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.

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 therefore a contribution towards improving existing provision is not required.

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 proposed new allotment sites at Land at Sylvesters Farm, Euxton (HW5.2) and Harrison Road, Adlington (HW5.3). A contribution towards new provision is therefore required from this development. The amount required is £15 per dwelling.

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.

29. The National Planning Practice Guidance was updated by the Government on 28 November 2014 in respect of contributions for affordable housing and tariff style planning obligations. These measures were introduced to support small scale developers by reducing disproportionate burdens on developer contributions. The updated guidance confirms that such contributions should not be sought from small scale and self-build development. In particular, the guidance states that contributions should not be sought from developments of 10 units or less, and which have a maximum combined gross floorspace of no more than 1000m².
30. This development is for 7 no. apartments which is below the 10 unit threshold and also has a combined gross floorspace of less than 1000m².
31. In the case of this development there is no evidence at this time, which is directly related to the development, to justify seeking a contribution towards public open space contrary to the Planning Practice Guidance.
32. With regards to CIL, under the charging schedule, apartments do not incur a charge.

Overall Conclusion

33. The 'principle' of the proposed development is considered to be acceptable given the applicant has demonstrated compliance with Policy HW6. It is also considered that bringing the building back into use will enhance the character and appearance of the Conservation Area and safeguard the buildings local importance. Likewise, the re-use of the public house will also enhance the character and appearance of the streetscene.
34. It is not considered that the development will have a harmful impact on the living conditions of adjacent residents and the level of car parking proposed is also deemed to be acceptable given the sustainable location of the property.

Planning Policies

35. 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 Borough Local Plan Review 2003 and adopted Supplementary Planning Guidance), unless material considerations indicate otherwise. Consideration of the proposals has had regard to guidance contained with the National Planning Policy Framework (the Framework), the development plan and the

emerging Local Plan 2012-2026. The specific policies/ guidance considerations are contained within the body of the report.

Planning History

Reference	Description	Decision	Date
82/00217/ADV	Two illuminated lantern signs	Consent Granted	04.05.1982
89/01132/FUL	Display of illuminated advert	Consent Granted	02.02.1990
89/01156/COU	Change of use of landlords accommodation to 5 no en-suite bedrooms and erection of fire escape	Permitted	20.02.1990
92/00692/ADV	Display of illuminated box sign	Consent Granted	15.10.1992
92/00841/ADV	Display of various non-illuminated advertisement signs	Consent Granted	18.12.1992

Suggested Conditions

No.	Condition															
1.	<p>The proposed development must be begun not later than three years from the date of this permission.</p> <p><i>Reason: Required to be imposed by Section 51 of the Planning and Compulsory Purchase Act 2004</i></p>															
2.	<p>The parking and associated manoeuvring facilities shown on the plans hereby approved shall be surfaced or paved, drained and marked out and made available in accordance with the approved plan prior to the first occupation of any of the apartments hereby permitted and such parking facilities shall thereafter be permanently retained for that purpose (notwithstanding the Town and Country Planning (General Permitted Development) Order 1995).</p> <p><i>Reason: To ensure provision of adequate off-street parking facilities within the site</i></p>															
3.	<p>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.</p> <p><i>Reason: To ensure that the materials used are visually appropriate to the locality.</i></p>															
4.	<p>No development shall commence until details of covered and secured cycle storage has been submitted to and approved in writing by the Local Planning Authority. The details shall accord with the Chorley Council Parking Standard. The scheme shall be implemented in accordance with the approved details before the first occupation of any of the apartments hereby permitted. The cycle storage shall be retained at all times thereafter.</p> <p><i>Reason: To encourage sustainable transport modes.</i></p>															
5.	<p>Before the commencement of any works, full details of the proposed rainwater goods to be used on the building shall have been submitted to and been approved in writing by the Local Planning Authority. All works undertaken on site should be strictly in accordance with the approved details.</p> <p><i>Reason: In the interests of the character and appearance of the building</i></p>															
6.	<p>Prior to any works commencing details of the proposed fenestration (windows, doors and other joinery), to include full details at a scale of not less than 1:10 shall be submitted to and agreed in writing by the Local Planning Authority. All works shall then be undertaken strictly in accordance with the details as approved.</p> <p><i>Reason: To maintain the integrity of the historic building.</i></p>															
7.	<p>The development hereby permitted shall be carried out in accordance with the following approved plans:</p> <table border="1" data-bbox="368 1789 1353 2013"> <thead> <tr> <th data-bbox="368 1789 628 1821">Title</th> <th data-bbox="628 1789 999 1821">Drawing Reference</th> <th data-bbox="999 1789 1353 1821">Received date</th> </tr> </thead> <tbody> <tr> <td data-bbox="368 1821 628 1852">Location Plan</td> <td data-bbox="628 1821 999 1852">-----</td> <td data-bbox="999 1821 1353 1852">13th October 2014</td> </tr> <tr> <td data-bbox="368 1852 628 1946">Existing & Proposed Site Layouts</td> <td data-bbox="628 1852 999 1946">03</td> <td data-bbox="999 1852 1353 1946">13th October 2014</td> </tr> <tr> <td data-bbox="368 1946 628 1977">Existing Layouts</td> <td data-bbox="628 1946 999 1977">01</td> <td data-bbox="999 1946 1353 1977">13th October 2014</td> </tr> <tr> <td data-bbox="368 1977 628 2009">Proposed Layouts</td> <td data-bbox="628 1977 999 2009">02 Rev A</td> <td data-bbox="999 1977 1353 2009">27th November 2014</td> </tr> </tbody> </table>	Title	Drawing Reference	Received date	Location Plan	-----	13 th October 2014	Existing & Proposed Site Layouts	03	13 th October 2014	Existing Layouts	01	13 th October 2014	Proposed Layouts	02 Rev A	27 th November 2014
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	<i>Reason: For the avoidance of doubt and in the interests of proper planning</i>
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