Item 3g	16/00192/FULMAJ
Case Officer	lan Heywood
Ward	Chorley South East
Proposal	Demolition of existing church hall and public house and erection of new building to accommodate Chorley Youth Zone.
Location	The Arts Partnership, Chorley Community Centre, Chorley, PR7 2TZ
Applicant	Chorley Youth Zone
Consultation expiry:	5 April 2016
Decision due by:	29 July 2016
Recommendation	Permit Full Planning Permission

Executive Summary

The main issues to consider are whether the proposals accord with the policies contained within the Local plan. For the reasons set out below it is considered that the proposals are consistent with the aims of the development plan and the Framework and represent a sustainable form of development within Chorley.

Representations

•	Additional noise
•	Anti-social behaviour
•	Increased likelihood/fear of crime
•	Highways safety and lack of parking
•	Detrimental impact on local ecology
•	Loss of historic interest
•	Hazards of demolition
•	Other, more suitable sites available elsewhere
•	Overlooking/loss of privacy
•	Loss of natural light.

Consultees

Consultee	Summary of Comments received
United Utilities	No objection, subject to conditions
Lancashire County Council Highways	No objection in principle, but amendments sought and conditions suggested
Greater Manchester Ecology Unit	No objection, subject to conditions
Chorley Council Environmental Health	No objections

Chorley Council Planning Policy	No objections
Chorley Council Waste & Contaminated Land Officer	No comments to make
Lancashire Police – Designing Out Crime Officer	Recommendations provided for minimising the possibility of criminal activity within the immediate vicinity of the building.
The Coal Authority	Standing advice, low risk area.

Description of the site

- 1. The site includes the former Methodist Church hall, a surface car park thereto and a public house. The Methodist Church building itself was demolished many years ago and is now occupied by the aforementioned surface car park. The former church hall, now the Arts Partnership, to which the church was previously attached, is actually a slightly newer building than the church, although it copied much of the style and materials of that now long demolished building. From what remains on site it is clear that when the church was demolished possibly in the 1950s or 60s it was not a very clean break as remnants of the old building remain where it has been roughly severed from its neighbour. Parts of door or window openings remain in faience/terracotta on the Railway Street elevation.
- 2. The public house, which curiously has one name to the Railway Street elevation The Station Hotel and another to the Chapel Street elevation The Leigh Arms, dates approximately from the 1840s. Both buildings are constructed of local brick with either stone detailing in the pub and faience/terracotta in the Arts Centre. Both have been altered to some extent throughout their existence including changes to the original roofing material, window frames, chimneys and gutters for the pub and a myriad of alterations to the Arts Centre. Neither building could be described as being in optimum condition.
- 3. The whole site is within the Chorley St George's Street Conservation Area, which was designated by Chorley Council in December 1985 and reviewed again in 2009. The pub is within the Town Centre as defined by the Adopted Chorley Local Plan 2012 2026 whilst the Arts Centre is just outside. The site sits immediately adjacent to the relatively modern bus station to the north, the town centre by-pass road, Chorley railway station and the Bolton to Preston railway line to the east and a number of streets of 19th Century terraced housing to the south and south west with a parade of 19th Century shops and Chorley town centre to the west and north west.
- 4. The current buildings are two-storeys in height but given their age are higher than the adjacent two storey dwellings. St George's Church, which is listed at grade II, the Shepherds Victoria Hall and the former Queens Hotel are 'locally important' and all are key buildings within the vicinity, the streetscape and the skyline being all considerably taller than their immediate neighbours. The relatively modern (post 1960s) town centre by-pass that runs parallel to but set on a rising gradient in a southerly direction relative to the virtually level Railway Street. Occupants of vehicles and pedestrians traversing the by-pass thus are afforded a slightly elevated view of the site as they approach from the south of the town centre.

Assessment

Principle of the Development

- 5. Pertinent policies are: Central Lancashire Core Strategy (2012), policies 1, 11, 24, 25; Adopted Chorley Local Plan 2012 – 2026, policy EP5.
- 6. These policies seek to locate and promote appropriate growth within specific areas and specifically within Chorley Town Centre. Here they seek to protect and support land uses that support the economic prosperity and vitality of the town centre whilst at the same time providing services to satisfy identified local demand for sport, recreation and community facilities.
- 7. The proposal seeks to satisfy all of these objectives and meet a specifically identified need

within the wider community. The applicant has undertaken an assessment of a number of alternative sites throughout both the immediate and wider area which demonstrate that this is the most suitable site for the proposed development in terms of location, access, size and availability.

8. As such it is considered that the proposed development meets the requirements of the aforementioned policies.

Impact on the appearance of a conservation area and the significance of a designated heritage asset

- 9. Paragraphs 66 and 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 are relevant to the 'Special considerations affecting planning functions'.
- 10. 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.
 - 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.
- 11. 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.

The provisions referred to in subsection(1) are the planning acts and Part 1 of the Historic Buildings and Ancient Monuments Act 1953

- 12. Paragraphs 129, 131, 132, 133, 134, 136 and 137 of the Framework (National Planning Policy Framework) are pertinent as are policy 16 of the Adopted Central Lancashire Core Strategy (2012) and policy BNE8 of the Adopted Chorley Local Plan 2012 2026.
- 13. Paragraph 129 states that, 'Local planning authorities should identify and assess the particular significance of any heritage asset that may be affected by a proposal (including by development affecting the setting of a heritage asset) taking account of the available evidence and any necessary expertise. They should take this into account when considering the impact of a proposal on a heritage asset, to avoid or minimise conflict between the heritage asset's conservation and any aspect of the proposal.'
- 14. Paragraph 131 states that, *in determining planning applications, local planning authorities should take account of:*
 - The desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation;
 - The positive contribution that conservation of heritage assets can make to sustainable communities including their economic vitality; and
 - The desirability of new development making a positive contribution to local character and distinctiveness.'
- 15. Paragraph 132 states, 'When considering the impact of a proposed development 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. Significance can be harmed or lost through alteration or destruction of the heritage asset or development within its setting. As heritage assets are irreplaceable, any harm or loss should require clear and convincing justification. Substantial harm to or loss of a grade II listed building, park or garden should be exceptional. Substantial harm to or loss of designated heritage assets of the highest significance, notably scheduled monuments, protected wreck sites, battlefields, grade I and II* listed buildings, grade I and II* registered parks and gardens, and World Heritage Sites, should be wholly exceptional.'

loss of significance of a designated heritage asset, local planning authorities should refuse consent, unless it can be demonstrated that the substantial harm or loss is necessary to achieve substantial public benefits that outweigh that harm or loss, or all of the following apply:

- The nature of the heritage asset prevents all reasonable uses of the site; and
- No viable use of the heritage asset itself can be found in the medium term through appropriate marketing that will enable its conservation; and
- Conservation by grant-funding or some form of charitable or public ownership is demonstrably not possible; and
- The harm or loss is outweighed by the benefit of bringing the site back into use.'
- 17. Paragraph 134 states, 'Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal, including securing its optimum viable use.'
- 18. Paragraph 136 continues by stating that, 'Local planning authorities should not permit loss of the whole or part of a heritage asset without taking all reasonable steps to ensure the new development will proceed after the loss has occurred.'
- 19. Paragraph 137 states that, 'Local planning authorities should look for opportunities for new development within Conservation Areas or World Heritage Sites and within the setting of heritage assets to enhance or better reveal their significance. Proposals that preserve those elements of the setting that make a positive contribution to or better reveal the significance of the heritage asset should be treated favourably.
- 20. The Adopted Central Lancashire Core Strategy (2012), policy 16 refers to Heritage Assets. This policy mirrors that given in the Framework and states that it seeks to, 'Protect and seek opportunities to enhance the historic environment, heritage assets and their setting by: Safeguarding heritage assets from inappropriate development that would cause harm to their significances.'
- 21. The Adopted Chorley Local Plan (2015), Policy BNE8 refers to the Protection and Enhancement of Heritage Assets. Essentially this policy mirrors the Framework. Paragraph b, states that, 'Applications will be granted where they sustain, conserve and, where appropriate, enhance the significance, appearance, character and setting of the heritage asset itself and the surrounding historic environment and where they show consideration for the following: iii, The Conservation and, where appropriate, the enhancement of the setting of heritage assets.'
- 22. In this case the buildings to be demolished, whilst they are in the St George's Street Conservation Area, are otherwise undesignated. Whilst they have some degree of local significance their loss is considered to be outweighed by the public benefit that the creation of the Youth Zone will provide. Furthermore the design of the proposed building is considered to add quality to the streetscene and to enhance the visual amenity of the area.
- 23. The proposed development is therefore considered to either preserve or enhance the appearance of the St George's Street Conservation Area and to sustain the significance of this designated heritage asset. The proposal is thus seen to be in conformity with S.72 of the Planning (Listed Buildings and Conservation Areas) Act 1990, the above listed paragraphs of the Framework and the stated local planning policies.

Highway Safety and Parking

- 24. Pertinent Policies are: Adopted Chorley Local Plan 2012 2026, Policies BNE1(d) and ST4.
- 25. The aforementioned policies seek to maintain highway safety and ensure developments adhere to the Council's parking standards.
- 26. In this case the principal users of the proposed facility will be, as the name suggests, 'youths' who, by virtue of their age will, in the main, not be drivers. Instead it is envisaged that they will either make their own way to the facility by public transport to the immediately adjacent bus, railway stations or taxi ranks or be dropped off using the proposed 'drop off area' on Railway Street.
- 27. Lancashire County Council's Highways Engineer has commented that whilst they have

no objection in principle, they are looking for some amendments to the scheme, a full travel plan and a financial contribution of £12,000 towards the provision of highway services that will include, amongst a number of services:

- a. Appraisal of the travel plan
- b. Monitoring for 5 years post implementation
- c. Ongoing advice and guidance
- 28. The applicant has now amended the scheme in the light of comments received from LCC. They have been requested to enter into a legal agreement regarding the aforementioned travel plan. However, as an alternative, the developer has offered to engage their own highways consultant to undertake the aforementioned work.
- 29. A suitably worded condition will secure the aforementioned travel plan and the other requirements of LCC Highways.

Impact on the amenity of neighbours

30. Pertinent Policies are: Adopted Chorley Local Plan 2012 – 2026, Policy BNE1(b) and (g).

- 31. This policy seeks to protect the amenity currently enjoyed by neighbouring residential properties from the potential impacts of proposed development in terms of overlooking, noise, smells, crime or more probably the fear of crime and any other facet of life that may be altered by development. To assist in this regard the applicant has submitted an acoustic report that predicts the future noise emissions from the building, including that from users and plant air conditioning units etc.
- 32. The Councils Environmental Health Officers have examined this report and conclude that in their professional opinion the proposed development will be acceptable in terms of noise emissions.
- 33. In terms of overlooking or overbearing impact, whilst the building is taller than the neighbouring residential terraced properties, the design has been evolved with input from Council officers to minimise this impact. The section of the proposed building on Albert Street has been deliberately stepped down where it is closest to the adjacent terraced properties to a comparable height and in this area the rear elevation of the building is completely devoid of windows.
- 34. In terms of the potential for overlooking or the potential for there being an overbearing impact, the relationship between the proposed building and the neighbouring residential properties is considered to be acceptable and to meet with the Council's policy.
- 35. The location of the building is to the east of the existing residential properties. As such the degree to which sunlight will be blocked from the adjacent properties is considered to be minimal and will not be significantly different to the current situation. The agent has supplied a series of drawings that provide 'sun path analysis' in both winter and summer at different times of the day which provides support for this view.
- 36. In terms of increasing the incidence of crime and anti-social behaviour the evidence supplied by the applicant from other similar schemes that have already been implemented elsewhere demonstrates that such fears are unfounded.

Ecology

- Pertinent policies are: Adopted Central Lancashire Core Strategy (2012), policy 22; Adopted Chorley Local Plan 2012 – 2026, policy BNE9. Also of relevance is the Framework, section 11.
- 38. The applicant has submitted an ecology report and a further bat survey report. These have been examined by the Council's ecological advisors.
- 39. The survey found that the public house supports a summer day roost for a single common pipistrelle bat. As this roost would be destroyed by the demolition of the pub as proposed, a licence will be required to allow the development to proceed.
- 40. In terms of the Habitats Directive and its enactment via the Conservation of Habitats and Species Regulations, the application is required to consider the three 'derogation'

tests', in this case with specific reference to bats:

- a. That the development is "in the interest of public health and public safety, or for other imperative reasons of overriding public interest, including those of a social or economic nature and beneficial consequence of primary importance for the environment";
- b. That there is "no satisfactory alternative";
- c. That the derogation is "not detrimental to the maintenance of populations of the species concerned at a favourable conservation status in their natural range".
- 41. In this case it is considered that the first two derogation tests have been met. As regards the third, a detailed bat survey has been undertaken and mitigation measures have been proposed. These measures are considered to be acceptable by the Greater Manchester Ecology Unit and it only remains for a condition securing the implementation of the proposed mitigation measures to be submitted and approved prior to the first occupation of the development. It is therefore considered that the third test is also met.
- 42. The report also recorded hedgehogs on the site and the ecologist also therefore recommends the reasonable avoidance measures outlined in the bat report should be followed to prevent harm to this species. This can be secured via a condition.

Flood Risk

43. Pertinent policies are: Adopted Central Lancashire Core Strategy (2012), policy 29.

44. The site lies with Flood Zone 1, the 1 in 1000 year flood event. As such the proposed development site is judged to be at very low risk from flooding. The applicant has supplied a comprehensive Flood Risk Assessment. This concludes that the development type is appropriate for this location. The report recommends surface water attenuation designed for the 1 in 100 plus 30% storm event which is to be achieved with the use of attenuation tanks and flow control devices. The proposal is considered to be acceptable.

Overall Conclusion

45. The application is recommended for approval, subject to conditions.

Planning Policies

46. 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 proposals has had regard to guidance contained with the National Planning Policy Framework (the Framework) and the development plan. The specific policies/ guidance considerations are contained within the body of the report.

Planning History

Ref: April 1958	5/1/01061	Decision:	PERFPP	Decision Date: 29	
Description: community welfa	Change of use from place of religious worship and Sunday school to are centre.				
Ref: April 1979	79/00182/FUL	Decision:	DEEMED	Decision Date: 30	
Description:	Parking and sitting	g area			
Ref: February 1982	81/01061/FUL	Decision	: PERFPP	Decision Date: 9	
,	ebuilding Committe	e Room			
				ecision Date: 17 October 2002 d roof over passage,	

Ref: 06/01140/FUL Decision: WDN Decision Date: 23 February 2007

Description: The siting of a temporary Portacabin® on the carpark adjacent to the Community Centre for approximately 24 months

Proposed Conditions/Reasons for Refusal

No.	Condition				
1.	The proposed development must be begun not later than three years from the date of this permission.				
	date of this permission.				
	Reason: required to be imposed by Section Purchase Act 2004.				
2.	The development hereby permitted shall be	e carried out in ac	cordance with the		
	following approved plans: Location Plan	Ref 23:14	received 02.03.2016		
	Floor Plans	Ref P1D	received 02.03.2016		
	Elevations – coloured illumination	Ref P2B	received 02.03.2016		
	Elevations sheet 2 – coloured illumination		received 02.03.2016		
	Sections	Ref P4B	received 02.03.2016		
	Demolition Areas – site plan External lighting plan & elevations	Ref 23:14:27B Ref E005	received 12.05.2016 received 08.06.2016		
	WYG Bat survey report		received 07.07.2016		
	Reason: For the avoidance of doubt and in	the interests of p	roper planning.		
3.	The external facing materials, detailed on t	he approved plans	s shall be used and no		
	others substituted. These are:	0.4.5			
	'Trespa Meteon' rainscreen cladding ref AC Lancashire Red bricks	18.4.5			
	Lancashire Blue bricks				
	Kingspan Micro-Rib silver				
	Mid grey curtain wall framing system.				
	Reason: to ensure that the materials used	are visually appro	priate to the locality.		
4.	The development hereby approved shall be				
	mitigation measures as defined in the submitted report received by the Council on 14 July 2016.				
	Reason: To safeguard protected species o	f bat and their hat	pitats.		
5.	No demolition works shall take place during the main bird breeding season (March to July inclusive) unless birds are found to be absent by a suitably qualified person.				
	Reason: To safeguard protected and endangered species of bird and their habitats.				
6.	Feral pigeon nests must not be disturbed d having first obtained a general license from				
	Reason: Required under the terms of the V	Vildlife and Counti	ryside Act 1981 (as		
7.	The development hereby permitted shall be	e constructed in a	ccordance with the		
	mitigation measures contained within the s Risk Assessment dated 25 April 2016.				
	Nisk Assessment dated 25 April 2010.				
	Reason: To ensure that the proposed deve	elopment does not	cause additional flood		
	risk to neighbouring properties.				
8.	Prior to the first use of the development a T				
	submitted to and approved in writing by the				
	shall be implemented within the timescale s				
	be audited and updated at intervals not gre the approved plan is carried out				
	Reason: To promote and provide access to	sustainable trans	port/multi-modal		
	options.				

9.	No part of the development hereby approved shall commence unless and until a scheme for the construction of the site access and the off-site works of highway improvement have been submitted to and approved by the Local Planning Authority. Reason: In order to satisfy the Local Planning Authority that the final details of the highway scheme/works are acceptable before works commence on site.
10.	No part of the development hereby approved shall be occupied unless and until the approved schemes/works referred to in condition 9 have been constructed and completed in accordance with the scheme details. Reason: In order that the traffic generated by the development does not exacerbate unsatisfactory highway conditions in advance of the completion of the highway scheme/works.