

APPLICATION REPORT – 16/00678/P3PAJ

Validation Date: 3 August 2016

Ward: Chorley North East

Type of Application: Prior Approval Offices to Dwellings

Proposal: Prior approval application under Part 3, Class O of The Town and Country (General Permitted Development) Order 2015 to change existing office building (Class B1(a)) into 29 no apartments (25no 1 bedroom and 4no 2 bedroom) (Class C3) with existing access and parking facilities to be retained

Location: Inland Revenue Lingmell House Water Street Chorley PR7 1EJ

Case Officer: Mr Iain Crossland

Authorising Officer:

Applicant: Hollinwood Homes Limited

Agent: MCK Associates Limited

Consultation expiry: 6 September 2016

Decision due by: 27 September 2016

RECOMMENDATION

That Prior Approval is granted.

REPRESENTATIONS

None received

CONSULTATIONS

Lead Local Flood Authority – No comments received

Waste & Contaminated Land - Based on the available information, the Council currently has no concerns over ground contamination in relation to this site. The site is unlikely to be determined as Contaminated Land.

Environment Agency - The Environment Agency has no objection in principle

Lancashire Highway Services – No comments received

PLANNING CONSIDERATIONS

The Town and Country Planning (Use Classes) Order 1987 puts uses of land and buildings into various categories known as "Use Classes". The categories give an indication of the types of use that may fall within each use class. It is only a general guide and it is for local planning authorities to determine, in the first instance, depending on the individual circumstances of each case, which class a particular use falls into. The Town and Country Planning (General Permitted Development) (England) Order 2015 gives permitted development rights to allow buildings falling within Class B1(a) offices to change to a dwelling house(s) (falling within class C3).

Town and Country Planning (General Permitted Development) (England) Order 2015

1. Schedule 2, Part 3, Class O of the above Order permits development consisting of a change of use of a building and any land within its curtilage to a use falling within Class C3 (dwellinghouses) of the Schedule to the Use Classes Order from a use falling within Class B1(a) (offices) of that Schedule.

2. Development is not permitted by Class O as set out by the following criteria—
Development is not permitted by Class O if—

- (a) the building is on article 2(5) land and an application under paragraph O.2(1) in respect of the development is received by the local planning authority on or before 30th May 2019;
- (b) the building was not used for a use falling within Class B1(a) (offices) of the Schedule to the Use Classes Order—
 - (i) on 29th May 2013, or
 - (ii) in the case of a building which was in use before that date but was not in use on that date, when it was last in use;
- (c) the site is, or forms part of, a safety hazard area;
- (d) the site is, or forms part of, a military explosives storage area;
- (e) the building is a listed building or is within the curtilage of a listed building; or
- (f) the site is, or contains, a scheduled monument.

The above is subject to the following conditions:

O.2. (1) Development under Class O is permitted subject to the condition that before beginning the development, the developer shall apply to the local planning authority for a determination as to whether the prior approval of the authority will be required as to—

- (a) transport and highways impacts of the development;
- (b) contamination risks on the site; and
- (c) flooding risks on the site,
- (d) impacts of noise from commercial premises on the intended occupiers of the development,

and the provisions of paragraph W shall apply in relation to any such application.

(2) Development under Class O is permitted subject to the condition that it must be completed within a period of 3 years starting with the prior approval date.

The procedure for applications for prior approval under Part 3 is subject to the provisions of paragraph W, as set out below:

4. The local planning authority may refuse an application where, in the opinion of the authority—

- (a) the proposed development does not comply with, or
- (b) the developer has provided insufficient information to enable the authority to establish whether the proposed development complies with,

any conditions, limitations or restrictions specified in the Part as being applicable to the development in question.

5. In relation to the criteria above:

- a) the building is not on article 2(5) land [areas listed in the GPDO as an area exempt from these permitted development rights] and the application was received this year.

- b) the building was not in use as an office on 29th May 2013. At the time of the site visit for this application the property was not in use but was last used as an office in July 2009 and this was its last use. It therefore meets this criterion;
- c) the site is not in a safety hazard area;
- d) it is not in a military explosives storage area;
- e) the building is not listed or in the curtilage of a listed building;
- f) the building is not listed or a scheduled monument.

7. Therefore assessing the above aspects:

a) Transport and highways impacts of the development

Where the application relates to prior approval as to transport and highways impacts of the development, on receipt of the application, where in the opinion of the local planning authority the development is likely to result in a material increase or a material change in the character of traffic in the vicinity of the site, the local planning authority shall consult—

- (b) the local highway authority, where the increase or change relates to traffic entering or leaving a classified road or proposed highway, except where the local planning authority is the local highway authority;

In this case the building the change of use relates to is located close to Chorley Town Centre, but not within the Town Centre boundary. The property has off street parking capable of accommodating at least 35 cars. Given that the use of the building as an office could have attracted a similar number of vehicles as the number of apartments proposed, it is considered that the use of the building for 29 flats would result in similar levels of vehicles visiting the property. Although the time of day/week vehicles may visit a dwelling is likely to be different to an office, as the site has off road parking spaces available to it, it is not considered that the development will result in a material increase or a material change in the character of traffic in the vicinity of the site. Therefore the transport and highways impact of the development are considered acceptable.

b) Contamination risks on the site

In relation to the contamination risks on the site—

- (i) determine whether, as a result of the proposed change of use, taking into account any proposed mitigation, the site will be contaminated land as described in Part 2A of the Environmental Protection Act 1990, and in doing so have regard to the Contaminated Land Statutory Guidance issued by Secretary of State for the Environment, Food and Rural Affairs in April 2012, and
- (ii) if they determine that the site will be contaminated land, refuse to give prior approval.

10. The Council's Waste and Contaminated Land Officer has reviewed the application in this respect has no concerns over ground contamination in relation to this site. The site is unlikely to be determined as Contaminated Land under this criterion.

c) Flooding risks on the site

Where the application relates to prior approval as to the flooding risks on the site, on receipt of the application, the local planning authority shall consult the Environment Agency where the development is—

- (a) in an area within Flood Zone 2 or Flood Zone 3; or
- (b) in an area within Flood Zone 1 which has critical drainage problems and which has been notified to the local planning authority by the Environment Agency for the purpose of paragraph (zc)(ii) in the Table in Schedule 4 to the Procedure Order.

The application site does not lie within flood zone 2 or 3, however, it is located in an area that is susceptible to surface water flooding.

14. The legislation states that the local planning authority shall, when determining an application, take into account any representations made to the application as a result of any consultations or representations received and shall have regard to the National Planning Policy Framework (The Framework) issued by the Department for Communities and Local Government in March 2012, so far as relevant to the subject matter of the prior approval, as if the application were a planning application.

15. No consultee responses or representations have been received that would result in the proposal being unacceptable, and in terms of The Framework the proposal is not contrary to it in terms of the transport and highways impact of the development, the contamination risks on the site or the flooding risks on the site.

16. The application site lies within an Area More Susceptible to Surface Water Flooding. As such the Environment Agency has been consulted and has responded accordingly.

17. They advise that on the 6th to 7th October 2015 Water Street flooded. Although no properties were reported as flooded, the water was of sufficient depth to flood a number of cars that were parked on the road. A more intense storm event or blockage of the culverted watercourse in the future could lead to more significant flooding. This may be deep enough to affect existing properties. They recommend that flood proofing techniques be carried out on the existing building during the conversion to apartments, and on the proposed new apartment block. Examples would include the use of non-return valves on drainage, installation of flood proof doors, raising electrical sockets and the use of flood resilient materials. This would reduce the impact of flooding should it occur, and safeguard future residents.

18. The Environment Agency raises no objection in principle to the proposed development, and it is intended that the advice provided by the Environment Agency is included as an informative on any decision notice or letter. The proposal is therefore considered acceptable.

19. The Environment Agency have also provided some advice to the applicant regarding Byelaws and rights of entry. These will be advised to the applicant.

d) impacts of noise from commercial premises on the intended occupiers of the development

The building is self-contained and separated from the end of a row of terraced residential properties and opposite a discussed public house. It is not therefore considered that there will be noise from commercial premises in the vicinity that will have an unacceptable impact on the proposed dwellings.

Community Infrastructure Levy (CIL)

17. The Chorley CIL Infrastructure Charging Schedule provides a specific amount for development. The CIL Charging Schedule was adopted on 16 July 2013 and charging commenced on 1 September 2013. The proposed development will be a chargeable development and the charge is subject to indexation in accordance with the Council's Charging Schedule.

18. Development commenced under general consent is liable to pay the Community Infrastructure Levy (CIL) if a new dwelling is being created (even if this is through a change of use). 'General consent' includes permitted development rights granted under the General Permitted Development Order 2015. Although not a reason for consideration under this application, the agent has been made aware of this and submitted the relevant CIL forms.

CONCLUSION

19. It is considered that the proposed change of use meets the criteria of the legislation. Prior approval is required and is granted subject to conditions.

RELEVANT HISTORY OF THE SITE

Ref: 03/00071/FUL Decision: PERFPP Decision Date: 26 March 2003

Description: Erection of detached garage,

Ref: 05/00434/CON Decision: PERCAC Decision Date: 29 July 2005

Description: Application for Conservation Area Consent for the demolition of existing building,

Ref: 12/00325/FUL Decision: WDN Decision Date: 13 June 2012

Description: Change of use of existing office accommodation (ground and first floor) to Chorley Academy free school (Use Class D1)

Ref: 5/1/02314 **Decision:** PERFPP **Decision Date:** 30 October 1964
Description: Use of parish institute for temporary accommodation for Chorley day training college, Park Road, Chorley

Ref: 5/1/03713 **Decision:** PERFPP **Decision Date:** 5 May 1974
Description: Outline application for eight storey block of offices and car parking facilities and demolition of existing institute

Ref: 16/00754/FUL **Decision:** PCO **Decision Date:**
Description: Erection of building containing 4 no. 1 bedroom apartments with associated access and car-parking

Ref: 87/00943/FUL **Decision:** PERFPP **Decision Date:** 2 February 1988
Description: Erection of three storey office building with car park

Ref: 79/00829/FUL **Decision:** REFFPP **Decision Date:** 12 November 1979
Description: Change of use to Discoteque and Restaurant

Ref: 79/01391/FUL **Decision:** PERFPP **Decision Date:** 19 May 1980
Description: Change of Use to Private Members Club and Restaurant with Extension for Two Squash Courts

Ref: 77/00588/FUL **Decision:** REFFPP **Decision Date:** 3 July 1978
Description: Change of use of Parish Institute to Offices and office extension

Ref: 77/00587/FUL **Decision:** PERFPP **Decision Date:** 3 July 1978
Description: Change of use of Parish Institute to Offices

Ref: 76/00804/COU **Decision:** WDN **Decision Date:** 12 November 1976
Description: Change of use to plumbers merchants warehouse/offices and showroom

Ref: 74/00775/FUL **Decision:** WDN **Decision Date:** 31 December 1974
Description: Office development

Ref: 74/00010/FUL **Decision:** WDN **Decision Date:** 27 June 1974
Description: 8 storey office block

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

The use of the building as a dwelling house must be completed within a period of 3 years starting with the date of this letter.

Reason: As required by Schedule 2, Part 3, Class O of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended).