APPLICATION REPORT – 16/00726/FUL

Validation Date: 5 August 2016

Ward: Clayton-le-Woods And Whittle-le-Woods

Type of Application: Full Planning

Proposal: Demolition of existing buildings and erection of new building to provide ground floor retail (Class A1) neighbourhood convenience store with 4no. apartments above

Location: Duke Of York Hotel 144 Chorley Old Road Whittle-Le-Woods Chorley PR6 7LR

Case Officer: Mr Iain Crossland

Applicant: Whittle Estates LTD

Agent: Mr Joshua Hellawell

Consultation expiry: 2 September 2016

Decision due by: 30 September 2016

RECOMMENDATION

It is recommended that this application is approved subject to conditions.

SITE DESCRIPTION

- 1. The application site is occupied a disused public house with a car park located within the core settlement area of Whittle Le Woods. The site is positioned on Chorley Old Road and is bound by the steep wooded embankment of a disused canal to the north. There is existing vehicular access to Chorley Old Road to the west of the site. There are dwellings to the east and south side.
- 2. The disused public house is of traditional appearance and is faced in painted render. The building has been subject to a number of alterations over time. The area is characterised predominantly by residential dwellings in a variety of designs and styles, which result in a mixed character.
- 3. The topography of the site itself is fairly flat although there are changes in levels beyond the site boundary.

DESCRIPTION OF PROPOSED DEVELOPMENT

- 4. The proposed development is for the demolition of the existing public house and erection of a new building to provide a ground floor retail unit (Class A1) containing a neighbourhood convenience store with 4no. apartments above.
- 5. There would be a car park, turning and delivery areas with vehicular access to Chorley Old Road.

6. The proposed building would be two storeys in height with a single storey projection to the east side. The building would measure approximately 12m by 24m. It would have a mono pitched roof with heights of approximately 8m and 7.4m. There would be a stairwell to the north side of the building and a plant store to the east side.

REPRESENTATIONS

There have been 6 letters of support relating to the following issues:

- The shop would provide a much needed service to the area
- The modern design would make a positive contribution to the area
- The shop would create job opportunities
- The proposal would bring life into the area rather than a derelict site

The have been 5 letters of objection from 4 addresses relating to the following issues:

- Impact on amenity as a result of noise from deliveries
- Impact on amenity as a result of smells from the bins
- The design would not be in keeping with the area
- There is no need for additional convenience stores in the area
- Impact on highway safety

CONSULTATIONS

Whittle Le Woods Parish Council – Have commented that while Parish Councillors are pleased that, after a prolonged wait, some plans are now in place for this site, they felt strongly that there should be a move towards creating a building architecturally more sympathetic and in keeping with the area. For example, there are no other roofs of this type in this area. It was felt that some form of community consultation could be beneficial (there has not been any formal consultation) as this is a community facility.

Lancashire Archaeological Advisory Service – Recommend a condition requiring a programme of archaeological recording and analysis.

Greater Manchester Ecology Unit – No objection

Lancashire Highway Services - No comments have been received

United Utilities - No objection to the proposed development

PLANNING CONSIDERATIONS

Principle of the development

- 7. The National Planning Policy Framework (The Framework) states that planning should seek to encourage the effective use of land that has been previously developed, although it does not preclude the development of previously undeveloped land. One of the other core principles of the Framework is that development should be focussed in locations that are sustainable. The Framework also states that development in sustainable locations should be approved without delay.
- 8. Guidance contained within the Framework seeks to ensure the vitality of town centres and requires local planning authorities to, amongst other things, apply a sequential test to planning applications for main town centre uses that are not in an existing centre and are not in accordance with an up to date Local Plan. When considering out of centre proposals preference should be given to sustainable sites that are well connected to the town centre. As such in accordance with the Framework a proposal for new retail provision within an out of centre location requires a sequential test.
- The application site is located in the core settlement area of Whittle Le Woods. The Core Strategy Policy 1 is concerned with located growth and identifies Whittle Le Woods as an Urban Local Service Centre suitable for some growth and investment in Policy 1(d) of the Central Lancashire Core Strategy.

- 10. The site is not allocated for any specific use within the Chorley Local Plan 2012 2026 and the Local Plan states that within the settlement areas excluded from the Green Belt, and identified on the Policies Map, there is a presumption in favour of appropriate sustainable development.
- 11. The application site is a disused public house. The Framework, section 28, provides support for pubs that are important for tourism or necessary as village facilities. This facility is not within a village but a neighbourhood of Chorley.
- 12. The Framework section 70 stipulates that to deliver the social, recreational and cultural facilities and services the community needs, planning policies and decisions should:
 - Guard against the unnecessary loss of valued facilities and services particularly where this would reduce the community's ability to meet its day to day needs;
 - Ensure that established shops, facilities and services are able to develop and modernise in a way that is sustainable, and retained for the benefit of the community.
- 13. Core Strategy Policy 25 (Community Facilities) ensures that local communities have sufficient community facilities provision by (c) resisting the loss of existing facilities by requiring evidence that they are no longer viable or relevant to local needs.
- 14. Policy HW6 of the Chorley Local Plan 2012 2026 reflects this and specifically seeks to protect public houses from redevelopment. This policy states that the loss of a public house 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;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.
 - The loss of the pub is assessed below.
- 15. Policy EP9 of the Chorley Local Plan 2012 2026 reinforces the guidance contained within the Framework and permits out of centre retail development within accessible locations, which do not harm the amenity of the area and which do not detract from the function, vitality and viability of the town centre.
- 16. A sequential assessment has been submitted with the application that makes specific reference to the nearby Chorley Old Road Local Centre. The applicant has considered sequentially preferable sites and premises and has not identified any sequentially preferable sites or premises that would be suitable for the application proposal. The list of premises /sites are limited in this location but are considered unsuitable for a range of reasons including being either too small for the optimum retail floorspace and/or offers no scope for the inclusion of residential units; are not available now; and have no designated car parking spaces thereby proving difficult for the operator to achieve the anticipated customer numbers. There is no requirement to demonstrate impact as part of this application as the Framework sets out that local planning authorities only require an impact assessment if the development is over threshold is 2,500 sq m. The proposed development would be well within this threshold.
- 17. The aim of the sequential test is to minimise the need to travel, provide a diverse range of services in one central location and make facilities accessible to all. The approach is intended to sustain and focus growth and investment in local centres. It is considered that the applicant has addressed Policy EP9 (Development in the edge of centre and out of centre locations) criterion a) and c). The proposal meets a local need and can be accessed in its catchment by walking, cycling or public transport and the proposal does not detract from the function, vitality and viability of the Chorley Old Road Local Centre, Whittle Woods. Whether the proposal does not harm the amenity of an adjacent area criterion b) EP9 is addressed later in the report.

Loss of the public house

- 18. The public house on the application site has become vacant since the time that the application was submitted. Its loss is assessed against the criteria of Policy HW6 of the Chorley Local Plan 2012-2026.
- 19. a) The facility no longer serves the local needs of the community in which it is located; The building has not operated as a public house for approximately eight years and as such it has been some time since the building served the local needs of the community.
- 20. b) Adequate alternative provision has been made, or is already available, in the settlement or local area There are three operational public bourses. The Reebuck The Deg Inp and the Reval Oak

There are three operational public houses, The Roebuck, The Dog Inn and the Royal Oak located within an 800m radius of the site, the latter being just over 300m from the development. These alternatives are within walking distance of the site and would realistically cater for any latent demand as a result of the loss of the Duke of York and a public house facility.

- 21. c) The use is no longer financially viable The fact that the pub has been vacant for approximately 8 years suggests that it is no longer financially viable.
- 22. d) The facility is in an isolated location remote from public transport routes The facility is not in an isolated location and is easily accessible.
- 23. e) There is an amenity or environmental reason why the facility is no longer acceptable. The public house is closed to the public and has been boarded up rather unsympathetically. The site is no longer maintained and is clearly suffering a sense of abandonment, which detracts from the amenity of the local area. Based on the re-establishment of a public house facility on site appearing unlikely and the declining visual amenity of the site it is considered that there are amenity reasons for the existing facility no longer being acceptable.
- 24. On the basis of the factors assessed above it is considered that the loss of the public house as a community facility should be accepted in this instance.

Design and impact on the character of the area

- 25. The proposal is for the erection of new structure of contemporary design that would contain a neighbourhood convenience store at ground floor level with four one bedroom residential apartments situated on the first floor. The proposed building would have a mono pitched roof and would be faced in red brick, grey cladding panels and render with large glazed units at ground floor. This would result in a simple modern design that is not uncommon amongst modern retail units and suits the needs of current retail methods in a functional and efficient manner.
- 26. There are a range of property types and styles in the area that have been developed over different periods of time resulting in mix of designs across the locality. There are semi-detached dormer bungalows faced in red brick to the immediate south of the site, terraced dwellings of standard design faced in grey render opposite the site to the west, and stone terraces beyond the disused canal to the north side of the site. Beyond the immediate area of the site there is a plethora of design styles including more contemporary designs. As such the proposed building would not be out of place when considering the mix of architectural styles prevalent in the surrounding area. In addition the proposal would result in an increased architectural diversity in the area.
- 27. The proposed building would have a dual aspect, which is of particular benefit in relation to the application site, as it would provide an active street frontage onto Chorley Old Road as well as a frontage with features of interest facing the proposed car park to the south side, which would be visible on approach from the south. The scale of the building is appropriate in the context of the site and surrounding structures with a roof height slightly below that of

the ridge height to the adjacent properties to the south at 142 and 140 Chorley Old Road, and below that of 146 Chorley Old Road to the north side. The use of a shallow mono pitched roof as opposed to a dual pitched roof means that the height of the proposed building can be kept to a modest scale in keeping with neighbouring structures.

- 28. There would be modest peripheral landscaping provided and the protected trees to the north of the site would be retained. These help to soften the impact of the proposed development. New hard surfacing would be installed, which would improve the appearance of the wider site.
- 29. The proposed development would result in a physical improvement to the appearance of the site, which currently appears somewhat abandoned and rather dilapidated. The existing building is of a traditional design but has been altered unsympathetically over time and alongside its deterioration has a negative impact on the street scene. The public house is now vacant resulting in a sense of abandonment, which detracts from the character of the area. It is acknowledged that an active use needs to be established on the site to address this. The proposal would result in the demolition and removal of the public house to make way for the proposed convenience store and flats with associated parking areas and landscaping. The proposed development would therefore result in an overall improvement in the appearance of the site and would subsequently enhance the character of the area.
- 30. The development is, therefore, considered to be in accordance with Policy BNE1 of the Chorley Local Plan 2012 2026.

Impact on neighbour amenity

- 31. The proposed building would be located approximately 7.2m from the nearest property at Naylors Fold. The proposed building would be located to the north west of this dwelling and would therefore have little impact on light. It is noted that the part of the building nearest to this dwelling is single storey with a maximum height of 4.7m and that the windows to Naylors Fold would not face the proposed building. There would be located approximately 12m from the first floor elevation facing Naylors Fold. These would be located approximately 12m from the boundary with this property and as such this meets with the Council's adopted interface guidelines.
- 32. It is noted that a bin store was proposed on the boundary of the site with Naylors Fold. This has since been removed from the scheme. The prospective tenants have confirmed that there are certain stores that operate through back-hauling the bagged waste daily to the central recycling centre. This means that the store can operate without bin storage, as waste is temporarily stored in bags within the building. It has been confirmed that the prospective operator is prepared to work in this way at this site and hence the bin-store has be removed from the scheme altogether.
- 33. The proposed building would be located approximately 25m from the nearest dwelling to the south side at 142 Chorley Old Road. There would be windows to habitable rooms in the first floor elevation facing this neighbouring property. These would be located approximately 18m from the boundary with this property and as such this meets with the Council's adopted interface guidelines. Given the scale of the proposed development and degree of separation there would be no adverse impact on the outlook, privacy or light levels of the occupiers at 142 Chorley Old Road.
- 34. The proposed building would be located approximately 28m from the nearest dwelling to the north side at 146 Chorley Old Road. There is dense vegetation between the site and this dwelling, and given the scale of development and degree of separation there would be no adverse impact on the outlook, privacy or light levels of the occupiers at 146 Chorley Old Road.
- 35. In terms of the impact on noise and disturbance it is acknowledged that the use of the site to include a convenience retail store would result in the arrival and departure of customers and the delivery of goods and collection of waste. There would be a designated service yard to the rear of the site, which is where deliveries would be directed. This would be screened in

respect of the adjacent residential properties. It is also recommended that conditions controlling hours of operation are attached to any grant of planning permission to ensure that the amenities of the neighbours are protected.

36. It is also noted that in relation to the existing use of the site, noise and disturbance generally associated with public houses can be problematic in residential areas from a neighbour amenity perspective. As such it is considered that the proposed development of a neighbourhood convenience store with four flats would have less impact on the amenity of neighbouring occupiers from noise and disturbance than a public house.

Impact on highways/access

- 37. The proposed development would result in four one bedroom dwellings and a 185 square metre neighbourhood store. Off street car parking has been identified on the proposed site plan for 17 vehicles within the site and provision for secure and covered cycle storage. This meets with the requirements of the adopted parking standards set out in relation to policy ST4 of the Chorley Local Plan 2012 2026.
- 38. In addition the application site is located within the core settlement area of Whittle Le Woods, within walking distance of a large catchment of residential properties. There are good pedestrian links across the area and the location is considered to be a sustainable one. In addition to this the creation of a new neighbourhood convenience store would reduce the need for residents of the local area to have to drive elsewhere for top up shopping.
- 39. The site currently has an existing vehicular access from Chorley Old Road, which would be retained within the proposed development. This impact on highway safety would therefore be similar to the existing situation with vehicles carrying out similar manoeuvres.

Ecology and trees

- 40. The site consists of a public house structure, hard surfaced car park, and some landscaping with trees and shrubs. Although there is a vegetated corridor to the immediate north of the application site, which has some local ecological value, the proposed development does not significantly encroach into this area. Tree loss and tree pruning would be relatively minor, and some new landscape planting is proposed, which would mitigate these works. It is noted that there are three trees protected by Tree Preservation Orders to the north of the site. It is not proposed to carry out any works to these trees, however, in order to protect the trees during the construction phase of development it is recommended that a condition is attached to any grant of planning permission requiring the measures set out in the Tree Protection Plan to be followed.
- 41. The existing public house building has been assessed as having some limited potential to support bats. It is considered that the measures described in section 3.2 of the 'Summary Ecological Report' represents a proportionate response to any risk of harm to bats. It is recommended that this be required to be implemented by condition following any grant of planning permission. All UK bats are specially protected in law.

Public Open Space

- 42. The proposed development would generate a requirement for the provision of public open space in line with policies HS4a and HS4b of the Chorley Local Plan 2012 – 2026 and the Open Space and Playing Pitch SPD. This would result in a contribution towards off-site provision for children/young people in Whittle-le-Woods totalling £536 towards the improvement of site 1535.1 - Delph Way.
- 43. The grant of planning permission is subject to the applicant entering into a Section 106 agreement to make an off-site contribution towards the requirement for the provision of public open space in line with policies HS4a and HS4b of the Chorley Local Plan 2012 2026.

<u>CIL</u>

44. The development is CIL liable and is subject to the adopted CIL charges and associated regulations.

CONCLUSION

45. The proposed development would have the benefit of providing a neighboured convenience store and new housing in a sustainable location. The proposal would have no unacceptable detrimental impact on the amenity of neighbouring occupiers and would result in an overall improvement in the appearance of the site and character of the area. In addition there would be no unacceptable impact on highway safety or ecology. On the basis of the above, it is recommended that planning permission be granted.

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.

RELEVANT HISTORY OF THE SITE

Ref:00/00155/FULDecision:PERFPPDecision Date: 9 June 2000Description:Single storey extension to public house,

Ref: 99/00657/FUL Decision: WDN Decision Date: 17 November 1999 Description: Extensions and alterations,

Ref: 15/00619/TPO Decision: PERTRE Decision Date: 12 August 2015 Description: T1 - Sycamore - Remove lower branch over car park towards pub, crown reduce upper canopy by 2m to secondary branches.

T2 - Sycmore - Remove two lower branches over pub, crown reduce upper branches by 2m over pub. Remove 2 lower basal stems.

T3 - Sycamore - Crown reduce branches to clear pub by 2m

All work to reduce encroachment onto pub to allow extension/development.

Suggested Conditions

No.	Condition			
1.	The proposed development must of this permission.	t be begun not later than	three years from the date	
	Reason: Required to be imposed by Section 51 of the Planning and Compulsory Purchase Act 2004.			
2.	The development hereby permitted shall be carried out in accordance with the following approved plans:			
	Title	Drawing Reference	Received date	
	Location Plan	15/032/P03	04 August 2016	
	Proposed Street Scene, Elevations, Section, Site Plan & Existing Location Plan	15/032/P01 Rev.B	28 September 2016	
	Proposed elevations	15/032/P02 Rev.A	04 August 2016	
	Reason: For the avoidance of de			
3.	The external materials as detailed on the approved plans shall be used and no			

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	Statement (Revision A) prepared by TBA Landscape Architects and received 04 August 2016.
	Reason: To safeguard the trees to be retained.
11.	Foul and surface water shall be drained on separate systems.
	Reason: To secure proper drainage and to manage the risk of flooding and pollution.
12.	Prior to the commencement of any development, a surface water drainage scheme, based on the hierarchy of drainage options in the National Planning Practice Guidance with evidence of an assessment of the site conditions shall be submitted to and approved in writing by the Local Planning Authority.
	The surface water drainage scheme must be in accordance with the Non-Statutory Technical Standards for Sustainable Drainage Systems (March 2015) or any subsequent replacement national standards and unless otherwise agreed in writing by the Local Planning Authority, no surface water shall discharge to the public sewerage system either directly or indirectly.
	The development shall be completed in accordance with the approved details.
	Reason: To promote sustainable development, secure proper drainage and to manage the risk of flooding and pollution. This condition is imposed in light of policies within the National Planning Policy Framework and National Planning Practice Guidance.
13.	Prior to the commencement of the development a sustainable drainage management and maintenance plan for the lifetime of the development shall be submitted to the Local Planning authority and agreed in writing. The sustainable drainage management and maintenance plan shall include as a minimum: a. The arrangements for adoption by an appropriate public body or statutory undertaker, or, management and maintenance by a Resident's Management Company; and b. Arrangements concerning appropriate funding mechanisms for its ongoing maintenance of all elements of the sustainable drainage system (including machaniael company) and will include alements on the sustainable drainage system (including
	mechanical components) and will include elements such as ongoing inspections relating to performance and asset condition assessments, operation costs, regular maintenance, remedial woks and irregular maintenance caused by less sustainable limited life assets or any other arrangements to secure the operation of the surface water drainage scheme throughout its lifetime.
	The development shall subsequently be completed, maintained and managed in accordance with the approved plan.
	Reason: To manage flooding and pollution and to ensure that a managing body is in place for the sustainable drainage system and there is funding and maintenance mechanism for the lifetime of the development.
14.	Prior to the commencement of any development, full details of the alignment, height and appearance of all fences and walls to be erected to the site boundaries (notwithstanding any such detail shown on previously submitted plan(s)) shall have been submitted to and approved in writing by the Local Planning Authority. No building shall be occupied or land used pursuant to this permission before all walls and fences have been erected in accordance with the approved details. Fences and walls shall thereafter be retained in accordance with the approved details at all times.
	Reason: To ensure a visually satisfactory form of development and to protect the

	amenities of occupiers of nearby property.
15.	The development hereby permitted shall only be carried out in conformity with the proposed ground and building slab levels shown on the approved plan(s) or as may otherwise be agreed in writing with the Local Planning Authority before any development is first commenced.
	Reason: To protect the appearance of the locality and in the interests of the amenities of local residents.
16.	All hard and soft landscape works shall be carried out in accordance with the approved details within the first planting and seeding seasons following the occupation of any buildings or the completion of the development, whichever is the sooner, and any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species.
	Reason: To ensure that a satisfactory landscaping scheme for the development is carried out to mitigate the impact of the development and secure a high quality design.
17.	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 occupation of the dwelling(s) and first use of the neighbourhood convenience store they serve; such parking facilities shall thereafter be permanently retained for that purpose (notwithstanding the Town and Country Planning (General Permitted Development) (England) Order 2015).
	Reason: To ensure provision of adequate off-street parking facilities within the site.
18.	A minimum of 4no. parking spaces shall be reserved and made available solely for the use of the occupiers of the flats hereby approved and shall thereafter be permanently retained for that purpose.
	Reason: To ensure provision of adequate off-street parking facilities within the site.