

## **APPLICATION REPORT – 17/00490/FULMAJ**

**Validation Date: 8 May 2017**

**Ward: Chorley North West**

**Type of Application: Major Full Planning**

**Proposal: Erection of 5-storey block comprising 18 No. apartments following demolition of existing buildings**

**Location: Garside and Son Plumbers 5 - 9 Queens Road Chorley PR7 1JU**

**Case Officer: Mr Iain Crossland**

**Applicant: 108 Ventures Ltd.**

**Agent: Design Studio Architects**

**Consultation expiry: 2 June 2017**

**Decision due by: 18 August 2017**

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### **UPDATE REPORT**

1. The recommendation remains to approve planning permission.
  2. Members will recall that this application was considered by Development Control Committee on 15 August 2017. The committee resolved to grant planning permission subject to conditions and a s106 agreement to secure off site contributions towards the provision of affordable housing, public open space and education provision.
  3. Since this time the applicant has been seeking development funding and has further investigated the full costs of delivering the scheme. As a result they have identified some critical viability issues affecting the deliverability of the development. A viability assessment has been submitted by the applicant demonstrating that no contributions were possible as that the profit margin to the developer would be limited to the point where the possibility of obtaining development finance was severely restricted. This has been considered by the Council's viability consultant, which led to some of the assumptions being challenged by the Council. The applicant provided further information and offered to pay a commuted sum of £29,052. This amount reflects the total Public Open Space requirement.
  4. Following further discussions with the Council's viability consultant it was considered that amount proposed would be more than reasonable under the circumstances. It is therefore recommended that the viability case is accepted and that a commuted sum of £29,052 is appropriate to make the development acceptable under the circumstances, when balanced against the benefits of proposed development on the site in question.
  5. In addition to the above it is proposed to amend condition 13 as originally recommended from a full archaeological programme to a photographic record of the site. This is considered to be acceptable as the historic significance of the site has been confirmed as being of lesser value by the Council's Conservation Officer.
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## RECOMMENDATION

1. It is recommended that this application is approved subject to conditions and a S106 agreement.

## SITE DESCRIPTION

2. The application site is located on the edge of Chorley Town Centre. It comprises a commercial unit that has previously been used for storage but which appears to have been disused for some time. The building is of traditional design and appearance and lies within a terrace of traditional buildings in commercial uses. The building on the site is notable in that it is of a lower height than the adjacent buildings. The site is located between Queens Road to the north and a Council car park off Farrington Street to the south.

## DESCRIPTION OF PROPOSED DEVELOPMENT

3. The proposed development involves the erection of a 5-storey building of contemporary design comprising 18 No. apartments following demolition of existing buildings.

## REPRESENTATIONS

4. Letters of objection have been received from the occupiers of 3no. addresses. These relate to the following issues:
  - Lack of parking
  - Loss of light to nearby properties
  - Impact on character of the area
  - Disturbance caused by future residents
  - The presence of asbestos and a rat infestation will cause disruption and inconvenience
  - There are other better uses for the land

## CONSULTATIONS

5. **Conservation Officer:** Considers the proposed development to be acceptable, as it would preserve the appearance of the adjacent listed buildings and the adjacent St. Laurence's Conservation Area and would thus also sustain the significance of these designated heritage assets.
6. **Lancashire County Council (Education):** Based upon the latest assessment, taking into account all approved applications, LCC are seeking a contribution for 1 primary school place. However LCC are not seeking a contribution for secondary school places.
7. **Greater Manchester Ecology Unit:** Comment that there are no known ecological reasons why the current application be refused.
8. **Waste & Contaminated Land:** No comments received.
9. **Lancashire Highway Services:** No objection subject to condition.
10. **United Utilities:** No objection subject to condition.
11. **Lancashire County Council Archaeology Service:** No objection subject to condition.

## PLANNING CONSIDERATIONS

### Principle of the development

12. The National Planning Policy Framework (The Framework) states that housing applications should be considered in the context of the presumption in favour of sustainable

development. This means that development proposals that accord with the development plan should be approved without delay.

13. The application site is located in the core settlement area of Chorley, close to the town centre. Core Strategy Policy 1 is concerned with located growth and identifies Chorley Town as a Key Service Centre where growth and investment should be concentrated.
14. The application site comprises a building that was previously used for storage but which appears to have been disused for some considerable time. Core Strategy Policy 10 seeks to protect land and premises last used for employment use. Given the amount of time that has elapsed since the buildings were last in use it is not clear what the lawful use of the building is. In addition to this, given the amount of time that the building has remained disused the site would not appear to provide any demand for employment use.
15. 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.

#### Impact on the conservation area and heritage assets

16. The site is outside, but close to the western boundary of the St Laurence's Conservation Area and relatively close to a number of listed buildings, the closest being the grade II\* listed St. Laurence's Church from which the conservation area takes its name. The listed buildings are clearly separated from the application site by other buildings, highways and landscaping features. The site is currently occupied by a fairly dilapidated and deteriorating building that is beginning to have a negative impact upon the setting of the adjacent conservation area.
17. The proposal seeks to demolish the existing building and replace it with one of a contemporary style to create 18no. apartments. In the main, this design approach works well with this location subject to the use of appropriate materials.
18. It is considered that the proposed development is acceptable as it would preserve the appearance of the St. Laurence's Conservation and the associated listed buildings and would, therefore, sustain the significance of these designated heritage assets.

#### Design and impact on the character of the area

19. The proposal is for the erection of a five storey building that would contain 18no. apartments. The proposed building would be of a contemporary design style.
20. The local vernacular of the area is largely made up of red brick buildings of tradition design, although there are examples of buildings faced in stone and, to a lesser extent, white render. The existing property on site is part of a series of terraced buildings comprising a two storey height building, with a series of three and four storey properties adjacent to the site. These provide an active street frontage along Queens Road. There is a Council car park to the rear of the site, where character is less defined.
21. The proposed building would be of greater scale and mass than the existing building on site but has been designed to reflect the scale of the buildings adjacent to the site. Although the proposed development would be of greater total height than the adjacent buildings, it has been designed to remain sympathetic to the area and the neighbouring properties. The roof line has been designed by using a dark zinc metal standing seam roof, which would wrap around to the floor below. This gives the impression of the roof line appearing consistent with adjacent building, and the change in materials breaks up the mass. This in conjunction with the roof space being made up of a series of dormers further reduces the massing. The proposed development would result in an improved rhythm of building scale in this location of Queens Road. It is also noted that buildings of larger scale are not uncommon in the wider vicinity with examples at Chorley Town Hall, the Police Station, Bingo Hall and Summer House.

22. The building would be faced in a simple combination of brickwork, white render, cedar cladding panels and metallic cladding, which would add materials that complement and provide contrast with the adjacent properties. This allows the development to tie in with the existing buildings and prevailing character of the area, whilst introducing a suitable level of contrast that would be expected of a modern building. The rear elevation is a continuation of the materials of the front.
23. The proposed building would continue the active street frontage along Queens Road and would be of an appropriate scale and design, close to the town centre, that would not harm the character of the area but would introduce an improvement in design quality.

#### Impact on neighbour amenity

24. The proposed building would be located approximately 19m from the nearest residential dwelling at no.4 Queens Road. It would not face this dwelling and this distance is taken corner to corner. As such there would be no facing windows and the proposed development would provide no views over the rear garden, which is screened by the dwelling itself. The proposed development would not be directly visible from no.4 Queens Road and would be located to the south west of the front elevation this property. Although the height of the building would be greater than that which exists on site now, and is higher than adjacent buildings, the impact on light in relation to no.4 Queens Road would be limited in relation to the impact that already exists, by virtue of the relative positioning.
25. Other properties near to the site are in commercial uses, and would not be unduly impacted upon. Any other residential properties are located some distance from the site or are screened by other buildings.
26. The redevelopment of the site with residential accommodation is likely to have lower levels of noise and disturbance from that comings and goings associated with an active commercial use. A residential use is a compatible use when viewed in the context of other residential uses nearby, and would provide housing in a sustainable location.

#### Impact on highways/access

27. The transport issues, including the description of existing site conditions and details of the development proposal have been set out in the submitted Transport and the Design and Access Statements.
28. The proposed development consists of 11no.one-bedroomed and 7no. two-bedroomed apartments. The 5-storey block would have a front entrance facing Queens Road which has 20mph speed limit and 'No-waiting at Anytime' restrictions with good quality footways of adequate width on both sides.
29. The site is within acceptable walking distance of Chorley Town Centre and has high accessibility in relation to employment, retail, schools, health centres, hospitals, police stations etc. In addition, the site is situated close to bus routes with bus stops within short distances and in close proximity to a rail station and off and on road cycle routes. There are two long stay local authority car parks in front of the site on Queens Road and to the rear on Farrington Street. In view of the sustainable location of the site therefore, the proposed development is considered acceptable despite the fact that it includes no provision for off-street parking.
30. The applicant's proposed on-site cycle storage provision is noted and the proposal to procure season parking permits at the Farrington Street car park to cater for the parking needs of residents as indicated in paragraphs 4.2 and 4.3 of the Transport Statement is also noted. However, the procurement of the parking permits cannot be enforced by a planning condition.
31. The site layout shows that the entrance to Queens Road would project beyond the alignment of the building. Whilst LCC Highways have no issue with the design, the applicant should take into account the fact that the footway in front of the site is less than the standard

width of 2.0m, therefore, any such projection of the entrance should not encroach the existing footway.

32. The proposed layout of the rear of the property would facilitate bin storage provisions and disabled access. The proposed rear entrance would be accessed from a local authority car park at Farrington Street, which does not form part of the applicant's boundary and would lead to the loss of between 2no. and 4no. spaces. The issue of the access and the loss of the parking spaces must be agreed with Chorley Council, separate to the planning process. Discussions regarding this matter are ongoing.

#### Affordable housing requirements

33. Policy 7 of the Core Strategy requires 30% affordable housing to be provided on sites of 15 or more dwellings, or 0.5 hectares in size (which this is), in urban areas such as this. No on-site provision has been identified by the applicant. In order to achieve the 30% policy requirement, an off-site contribution equivalent to 6 units would normally be required. Any such off site contribution would need to be secured through a Section 106 legal agreement in consultation with the Council's strategic housing function. However, given the nature of the development and known requirements of registered social housing providers in the area, it is considered that a commuted sum would be acceptable in this instance.

#### Public open space

34. 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.
35. The grant of planning permission would need to be subject to the applicant entering into a Section 106 agreement to make a 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. In this instance there is a requirement for off-site contributions toward allotments and playing pitches totalling £29,052.

#### Education contribution requirement

36. It is noted that Lancashire County Council (LCC) has requested a contribution towards education provision from the application. Based upon the latest assessment, taking into account all approved applications, LCC are seeking a contribution for 1 primary school place equivalent to a value of £14,217.31. LCC are not seeking a contribution for secondary school places.
37. The grant of planning permission would need to be subject to the applicant entering into a Section 106 agreement to secure a contribution towards the requirement for the provision of 1no. primary school place in line with policy 14 the Central Lancashire Core Strategy.

#### Other matters

38. The presence of asbestos and a rat infestation would cause disruption and inconvenience: These issues would be dealt with by separate legislation.
39. There are other better uses for the land: The Council can only consider the proposals that are brought forward for development, and cannot refuse an application in order to wait for a different development that may be preferable.

### **CONCLUSION**

40. There would be no unacceptable detrimental impact on the appearance and character of the area or the amenity of neighbouring occupiers or as a result of the proposed development. In addition, the development is located in a sustainable location and would not have an unacceptable impact on highway safety. On the basis of the above, it is recommended that planning permission be granted subject to conditions and a S106 Agreement.

**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:** 04/00937/FULMAJ      **Decision:**      PERFPP      **Decision Date:** 21 June 2007  
**Description:** Demolition of existing redundant building and construction of mixed use scheme including commercial use of ground floor and basement levels and 10 residential apartments on 3 upper floors,

**Ref:** 10/00202/FULMAJ      **Decision:**      PERFPP      **Decision Date:** 10 June 2010  
**Description:** Demolition of existing redundant building and construction of mixed use scheme including commercial use of ground floor and basement levels and 10 residential apartments on 3 upper floors (Extension to the time limit for implementing planning approval reference 04/00937/FULMAJ)

**Ref:** 5/1/02600      **Decision:**      PERFPP      **Decision Date:** 1 February 1966  
**Description:** Alterations to form off street car park, garage accommodation and warehouse storage

#### Suggested Conditions

| No.                                      | Condition   |               |                   |               |               |                     |             |   |                       |              |                      |                       |              |  |                       |              |
|--|---|---------------|-------------------|---------------|---------------|---------------------|-------------|---|-----------------------|--------------|----------------------|-----------------------|--------------|--|-----------------------|--------------|
| 1.                                       | The proposed development must be begun not later than three years from the date of this permission.<br><i>Reason: Required to be imposed by Section 51 of the Planning and Compulsory Purchase Act 2004.</i>  |               |                   |               |               |                     |             |   |                       |              |                      |                       |              |  |                       |              |
| 2.                                       | The development hereby permitted shall be carried out in accordance with the following approved plans: <table border="1" data-bbox="336 1357 1321 1639"> <thead> <tr> <th>Title</th> <th>Drawing Reference</th> <th>Received date</th> </tr> </thead> <tbody> <tr> <td>Location plan</td> <td>DSA-17002-PL-EXT-01</td> <td>05 May 2017</td> </tr> <tr> <td>Proposed rear elevation and site layout</td> <td>DSA-17002-PL-PRO-02-A</td> <td>20 June 2017</td> </tr> <tr> <td>Proposed floor plans</td> <td>DSA-17002-PL-PRO-03-A</td> <td>20 June 2017</td> </tr> <tr> <td>Proposed elevations and forth floor plan</td> <td>DSA-17002-PL-PRO-04-A</td> <td>20 June 2017</td> </tr> </tbody> </table> <i>Reason: For the avoidance of doubt and in the interests of proper planning.</i> | Title         | Drawing Reference | Received date | Location plan | DSA-17002-PL-EXT-01 | 05 May 2017 | Proposed rear elevation and site layout | DSA-17002-PL-PRO-02-A | 20 June 2017 | Proposed floor plans | DSA-17002-PL-PRO-03-A | 20 June 2017 | Proposed elevations and forth floor plan | DSA-17002-PL-PRO-04-A | 20 June 2017 |
| Title                                    | Drawing Reference   | Received date |                   |               |               |                     |             |   |                       |              |                      |                       |              |  |                       |              |
| Location plan                            | DSA-17002-PL-EXT-01   | 05 May 2017   |                   |               |               |                     |             |   |                       |              |                      |                       |              |  |                       |              |
| Proposed rear elevation and site layout  | DSA-17002-PL-PRO-02-A   | 20 June 2017  |                   |               |               |                     |             |   |                       |              |                      |                       |              |  |                       |              |
| Proposed floor plans                     | DSA-17002-PL-PRO-03-A   | 20 June 2017  |                   |               |               |                     |             |   |                       |              |                      |                       |              |  |                       |              |
| Proposed elevations and forth floor plan | DSA-17002-PL-PRO-04-A   | 20 June 2017  |                   |               |               |                     |             |   |                       |              |                      |                       |              |  |                       |              |
| 3.                                       | Notwithstanding the approved plans, all proposals for external lighting shall be submitted to and approved in writing by the Local Planning Authority prior to the development of the superstructure of the building hereby approved.<br><i>Reason: To ensure that the materials used are visually appropriate to the locality.</i>   |               |                   |               |               |                     |             |   |                       |              |                      |                       |              |  |                       |              |
| 4.                                       | The cycle store shall be kept freely available for the storage of cycles at all times and shall not be used for any other purpose.<br><i>Reason: To ensure adequate provision is made and maintained for the parking of cycles.</i>   |               |                   |               |               |                     |             |   |                       |              |                      |                       |              |  |                       |              |
| 5.                                       | Prior to the development of the superstructure of the building hereby approved  |               |                   |               |               |                     |             |   |                       |              |                      |                       |              |  |                       |              |

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|     | <p>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>   |
| 6.  | <p>Prior to the development of the superstructure of the building hereby approved, 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.</p> <p><i>Reason: To ensure a visually satisfactory form of development and to protect the amenities of occupiers of nearby property.</i></p>  |
| 7.  | <p>No development shall take place, including any works of demolition, until a Construction Method Statement has been submitted to, and approved in writing by, the local planning authority. The approved Statement shall be adhered to throughout the construction period. The Statement shall provide for:</p> <ol style="list-style-type: none"> <li>i. the parking of vehicles of site operatives and visitors</li> <li>ii. hours of operation (including deliveries) during construction</li> <li>iii. loading and unloading of plant and materials</li> <li>iv. storage of plant and materials used in constructing the development</li> <li>v. the erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate</li> <li>vi. wheel washing facilities</li> <li>vii. measures to control the emission of dust and dirt during construction</li> <li>viii. a scheme for recycling/disposing of waste resulting from demolition and construction works</li> </ol> <p><i>Reason: in the interests of highway safety and to protect the amenities of the nearby residents.</i></p> |
| 8.  | <p>No part of the development hereby approved, other than demolition, shall commence until a scheme for the construction of the site access and the off-site works of highway improvement has been submitted to and approved by the Local Planning Authority in consultation with the Highway Authority.</p> <p><i>Reason: In order to satisfy the Local Planning Authority and Highway Authority that the final details of the highway scheme/works are acceptable before work commences on site.</i></p>  |
| 9.  | <p>No part of the development hereby approved shall be occupied until the approved scheme for the construction of the site access and the off-site works of highway improvement have been constructed and completed in accordance with the scheme details.</p> <p><i>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.</i></p>   |
| 10. | <p>The roads adjacent the site shall be mechanically swept as required during the full construction period.</p> <p><i>Reason: To avoid the possibility of the public highway being affected by the deposit of mud and/or loose materials thus creating a potential hazard to road users.</i></p>  |
| 11. | <p>Prior to the commencement of any development, other than demolition, 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</p>  |

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|     | <p>shall be submitted to and approved in writing by the Local Planning Authority.</p> <p>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.</p> <p>The development shall be completed in accordance with the approved details.</p> <p><i>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 NPPF and NPPG.</i></p>  |
| 12. | <p>Prior to occupation 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:</p> <ul style="list-style-type: none"> <li>a. Arrangements for adoption by an appropriate public body or statutory undertaker, or, management and maintenance by a resident's management company; and</li> <li>b. Arrangements for inspection and ongoing maintenance of all elements of the sustainable drainage system to secure the operation of the surface water drainage scheme throughout its lifetime.</li> </ul> <p>The development shall subsequently be completed, maintained and managed in accordance with the approved plan.</p> <p><i>Reason: To ensure that management arrangements are in place for the sustainable drainage system in order to manage the risk of flooding and pollution during the lifetime of the development.</i></p> |
| 13. | <p>No works shall take place on the site until the applicant, or their agent or successors in title, have secured the making of a photographic record of the building. This must be carried out by a professionally qualified archaeological/building recording consultant or organisation in accordance with a written scheme of investigation which shall first have been submitted to and agreed in writing by the Local Planning Authority (Chorley Council). Upon completion the photographic record of the building shall be submitted to the Local Planning Authority.</p> <p><i>Reason: To ensure and safeguard the recording and inspection of matters of archaeological/historical importance associated with the building/site.</i></p>   |