

## APPLICATION REPORT – 17/01134/FUL

**Validation Date: 27 November 2017**

**Ward: Chorley East**

**Type of Application: Full Planning**

**Proposal: Change of use from public house (Class A4) to 6no. self-contained apartments (Class C3)**

**Location: Shepherds Arms 38 Eaves Lane Chorley PR6 0PX**

**Case Officer: Mr Iain Crossland**

**Applicant: Mr Ghulam Ali Afredi**

**Agent: Mr Nadeem Bapu**

**Consultation expiry: 20 December 2017**

**Decision due by: 9 February 2018**

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### RECOMMENDATION

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

### SITE DESCRIPTION

2. The application site is vacant public house located on Eaves Lane in a central area of Chorley within the core settlement area. It is located on a main highway and is a building of traditional red brick character. It is noted that there is residential accommodation on the first and second floors. The area is characterised by traditional buildings and has become an area of predominantly residential development. The building has been vacant for some time and been marketed for rent/sale for over 12 months.

### DESCRIPTION OF PROPOSED DEVELOPMENT

3. The application seeks planning permission for the change of use of a public house to 6no. self-contained flats. No external alterations have been proposed other than some changes to the fenestration.

### REPRESENTATIONS

4. Letters of objection have been received from the occupiers of 4 addresses. These have raised the following issues:
  - Lack of parking
  - Impact on highway safety

### CONSULTATIONS

5. **Lancashire Highway Services:** Have no objections regarding the proposed change of use to 6 self-contained apartments and are of the opinion that the proposed development would not have a significant impact on highway safety, capacity or amenity in the immediate vicinity of the site.

## **PLANNING CONSIDERATIONS**

### Principle of the development

6. 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.
7. The Central Lancashire Core Strategy focuses growth in Key Service Centres such as Chorley town, where the application site is located.
8. 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.
9. The application would result in the loss of a public house, which is categorised as a community facility. Policy HW6 of the Chorley Local Plan 2012 - 2026 seeks to protect community facilities where they are serving local need. No representations have been received in relation to the retention of the public house, and it is noted that there are other public houses in close proximity on Eaves Lane itself. Although the loss of the public house is in some ways regrettable this reflects a general trend of such closures, with the premises having been made available for rent/sale over more than 12 months. The building has more recently become a target for vandalism and anti-social behaviour and it is considered that a long term meaningful use of the building would be of benefit to the community. It is, therefore, considered that the loss of the public house is acceptable in this instance.

### Impact on character and appearance of the locality

10. There would be no external physical alterations to the building other than the addition of roof lights and a small window at the rear. The way in which the property would be used would have little impact on the character of the area, given the extent of existing residential properties in the vicinity, and the comings and goings from six flats would be less intensive than a public house. The retention and conversion of the building would be a positive outcome as the building is one of character and contributes positively to the street scene.

### Impact on neighbour amenity

11. The proposed residential use would introduce habitable room windows to the building at ground floor, however, none of these would result in any unacceptable overlooking. The first floor and second floors would retain windows that are already in residential use serving habitable rooms and so there would be no change in relation to existing privacy standards. The application property is located amongst residential dwellings. The change of use to residential accommodation is likely to have lower levels of noise and disturbance from comings and goings and general noise than the public house. A residential use is a highly compatible use when viewed in the context of adjoining residential uses.

### Highways safety

12. The parking requirement generated by this proposal would normally result in the need for 6no. car parking spaces, however, no off street parking can be provided given the limited site area. It is noted that the highway authority have not objected to the proposed change of use, and that the application site is in an area of high accessibility in relation to employment, shops, schools, health centres, community facilities etc. In addition, the site is situated close to bus routes with bus stops within short distances, and within walking distance of Chorley town centre. In addition, it is accepted that there is already parking demand generated by the existing public house and that this must be considered in relation to the proposed development. The proposed plans also confirm that there would be an internal cycle store within the building.
13. The location is considered to be highly sustainable, such that a relaxation in the car parking standards can be made as per the provisions of policy ST4 of the Chorley Local Plan 2012-

2026. In addition, it is noted that LCC Highways have no objection and consider that the proposed development would not have a significant impact on highway safety, capacity or amenity in the immediate vicinity of the site.

14. Given the sustainability credentials of the location and the parking demand already generated by the existing use, the under provision of off street parking is considered acceptable in this instance.

#### Public open space

15. The Development Plan requires public open space contributions for new dwellings to be provided in order to overcome the harm of developments being implemented without facilities being provided.
16. A written Ministerial statement from the 28 November 2014 sought to set a National Policy and remove the ability of Councils to secure S106 contributions on small sites (i.e. 11 or less) and resulted in the National Planning Practice Guidance (NPPG) being changed. This was challenged by a consortium of Councils in the High Court who were successful and the change to the NPPG was removed. Chorley resisted the change to the NPPG and applications were processed through Committee rather than delegated decision (officers gave up their delegated powers).
17. The Government challenged the decision of the High Court in the Court of Appeal on four grounds and the outcome was that on the 13 May 2016 the decision gave legal effect to the written Ministerial Statement of 28 November 2014. The NPPG has been changed again but highlights that the Ministerial statement should be taken into account. The Ministerial Statement (28 November 2014) carries weight in the decision making process, as does the National Planning Policy Guidance.
18. The Court of Appeal judgement does however state that “the aim or goal of a policy’s author is that his policy should be followed” this remains subject to “the proper operation of s 38(6)” and that the policy guidance does not have to explicitly express that an alternative view can be reached as “the changes were introduced as policy, not binding law”. The judgement goes on to highlight “In the determination of planning applications the effect of the new national policy is that although it would normally be inappropriate to require any affordable housing or social infrastructure contributions on sites below the thresholds stated, local circumstances may justify lower (or no) thresholds as an exception to the national policy. It would then be a matter for the decision-maker to decide how much weight to give to lower thresholds justified by local circumstances as compared with the new national policy” (evidence submitted on behalf of the SofS)
19. The Council must determine what lower thresholds are appropriate based on local circumstances as an exception to National Policies and how much weight to give to the benefit of requiring a payment for an additional 5 dwellings, as only a single open space typology (provision for children/young people) has been identified as justifiable. However, it is not considered that provision for children and young people can be considered necessary to make a development of one bedroom dwellings acceptable.
20. Therefore, a POS commuted sum is not requested for this scheme.

#### **CONCLUSION**

21. There would be no unacceptable detrimental impact on the appearance and character of the area or the amenity of neighbouring occupiers as a result of the proposed development. In addition the retention of the public house as a community facility cannot be justified. 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.

## RELEVANT HISTORY OF THE SITE

**Ref:** 89/00114/FUL **Decision:** PERFPF **Decision Date:** 11 April 1989  
**Description:** Use of store at rear as bookmakers office

**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

No.	Condition																		
1.	<p>The proposed development must be begun not later than three years from the date of this permission.</p> <p><i>Reason: Required to be imposed by Section 51 of the Planning and Compulsory Purchase Act 2004.</i></p>																		
2.	<p>The development hereby permitted shall be carried out in accordance with the following approved plans:</p> <table border="1" data-bbox="336 958 1321 1151"> <thead> <tr> <th data-bbox="336 958 730 987">Title</th> <th data-bbox="730 958 1023 987">Drawing Reference</th> <th data-bbox="1023 958 1321 987">Received date</th> </tr> </thead> <tbody> <tr> <td data-bbox="336 987 730 1016">Location plan</td> <td data-bbox="730 987 1023 1016">431-DWG-01</td> <td data-bbox="1023 987 1321 1016">26 November 2017</td> </tr> <tr> <td data-bbox="336 1016 730 1046">Site plan</td> <td data-bbox="730 1016 1023 1046">431-DWG-03</td> <td data-bbox="1023 1016 1321 1046">26 November 2017</td> </tr> <tr> <td data-bbox="336 1046 730 1075">Proposed floor plans 1/2</td> <td data-bbox="730 1046 1023 1075">431-DWG-06</td> <td data-bbox="1023 1046 1321 1075">26 November 2017</td> </tr> <tr> <td data-bbox="336 1075 730 1104">Proposed floor plans 2/2</td> <td data-bbox="730 1075 1023 1104">431-DWG-07</td> <td data-bbox="1023 1075 1321 1104">26 November 2017</td> </tr> <tr> <td data-bbox="336 1104 730 1151">Proposed elevations</td> <td data-bbox="730 1104 1023 1151">431-DWG-08</td> <td data-bbox="1023 1104 1321 1151">26 November 2017</td> </tr> </tbody> </table> <p><i>Reason: For the avoidance of doubt and in the interests of proper planning.</i></p>	Title	Drawing Reference	Received date	Location plan	431-DWG-01	26 November 2017	Site plan	431-DWG-03	26 November 2017	Proposed floor plans 1/2	431-DWG-06	26 November 2017	Proposed floor plans 2/2	431-DWG-07	26 November 2017	Proposed elevations	431-DWG-08	26 November 2017
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3.	<p>Before the development hereby permitted is first occupied, provision for cycle parking, in accordance with approved details (drawing 458-DWG-06) shall have been provided in all respects and made available for use, and shall thereafter be retained.</p> <p><i>Reason: To encourage sustainable transport modes.</i></p>																		
4.	<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> <ul 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> </ul> <p><i>Reason: in the interests of highway safety and to protect the amenities of the nearby residents.</i></p>																		