

APPLICATION REPORT – 17/01081/FUL

Validation Date: 12 December 2017

Ward: Chorley South East

Type of Application: Full Planning

Proposal: Erection of three storey building comprising ground floor retail unit and 4No apartments, following demolition of existing building

Location: St Catherines Hospice Trading 61 - 69 Clifford Street Chorley PR7 1SE

Case Officer: Amy Aspinall

Applicant: Mr George Banks

Agent: Mr Chris Weetman

Consultation expiry: 3 September 2018

Decision due by: 12 September 2018

RECOMMENDATION

1. It is recommended that the application is approved, subject to conditions.

SITE DESCRIPTION & PROPOSED DEVELOPMENT

2. The application site is situated within the settlement boundary of Chorley, and close to the defined Town Centre boundary. The locality is comprised of a mix of land uses including residential, commercial and industrial properties. Residential dwellings adjoin the site either side, the United Reformed Church is located to the rear, and Topps Tiles, McDonalds and other terraced dwellings are located on the opposite side of the road, beyond the dual carriageway.

3. The application seeks planning permission to demolish the existing building and to erect a three storey building comprising a ground floor retail unit and 4no. apartments at first and second floors.

4. Revised plans have been received since the application was originally submitted. The main changes are in relation to the first and second floors being stepped in slightly from the boundary with 59 Clifford Street, in proximity to the existing side facing bedroom window. These changes were re-notified to neighbours on 9 August 2018.

REPRESENTATIONS

4. 2no objections were received following initial publicity and are summarised below:

- Temporary storage structure would block light from the living room window and kitchen of 71 Clifford Street
- Proposal would increase parking demand / problems / further impact on residents
- Impact on traffic and pedestrian routes during construction
- Three storey is out-of-keeping with the properties either side / street /area
- Unsure of plans to front and rear elevation
- Proposal is better suited elsewhere

- Refuse collection would be an issue
- Proposal would block the only window to a bedroom of 59 Clifford Street.
- Plan would not allow access to the bedroom window for general maintenance and cleaning.
- The vent for the boiler at 59 Clifford Street is on the upper side wall and the proposed plans - would block this vent and could cause a health and safety risk / there would not be access for maintenance to the boiler vent.
- There would not be access for maintenance and repair of the side wall of 59 Clifford St.
- Alleyway to side has solely been used and maintained by 71 Clifford Street for 44 years / alleyway would be blocked during construction

5. Following receipt of amended plans, the application was re-notified to neighbours and 1no. objection was received from the occupier of 71 Clifford Street stating that their previous objection remains in addition to the impact of the proposal on the window of 59 Clifford Street, further deterioration of parking and bad precedent.

CONSULTATIONS

6. Lancashire County Council Highway Services (LCC): Have confirmed that they have no objections and advise that there would be no significant impacts on highway safety, capacity or amenity in the immediate vicinity of the site. Conditions are recommended in relation to a s278 Agreement for highways works and a Traffic Management Plan. LCC have also recommend a legal agreement to prevent car ownership.

7. United Utilities: Have no objection and recommend conditions..

8. The Coal Authority: Have raised objections and comment that further investigations are required.

PLANNING CONSIDERATIONS

Principle of development

9. The application proposes to redevelop the existing site for a mixed use development comprising retail use at ground floor and residential accommodation in the form of 4no flats above.

10. The revised National Planning Policy Framework (July 2018) (The Framework) at paragraph 59 provides, among other things, that the Government's objective is to significantly boost the supply of homes and that it is important that a sufficient amount and variety of land can come forward where it is needed.

11. At paragraph 68 the Framework states that to promote the development of a good mix of sites Local Planning Authorities should (c) support the development of windfall sites through their policies and decisions – giving great weight to the benefits of using suitable sites within existing settlements for homes.

12. Policy 1 of the Core Strategy seeks, among other things, to focus growth and investment on well located brownfield sites including the Key Service Centre of Chorley.

13. The site is situated within the settlement of Chorley, and falls just outside the defined Town Centre boundary. It is accessible by a variety of public transport options such as rail and bus, all within walking distance; and benefits from a wide range of amenities and services found with the Town Centre and wider locality. In the context of the Framework and the Core Strategy, it is a suitable and well located brownfield site.

14. The proposal also includes retail development, but as this replaces the existing provision, a Sequential Test is not applicable, having regard to policy EP9 of the Chorley Local Plan 2012 – 2026..

15. The principle of the development is, therefore, acceptable in planning policy terms, subject to other considerations set out in this report.

Design

16. It is proposed to replace an existing single storey retail unit with a three storey building, containing accommodation in the roof space. The existing building is of low architectural merit, and the site as a whole has a negative impact on the street scene.

17. The adjacent buildings are typically two storeys in height, with an increased height at Trader Jacks at the junction of Clifford Street / Hollinshead Street. The existing row of properties, nos. 33 to 59 Clifford Street, have a rigid roofline of the same height, which is broken up by the application site due to its single storey height. Neighbour objections raise concerns with the increased height of the proposed building not be in-keeping with adjacent properties or the street scene. However, from number 71 Clifford Street to the public house situated on the corner, the roof line is staggered with varying heights, and does not follow the regimented pattern of the preceding row. It is acknowledged that the proposal would project above the adjacent dwellings and would, therefore, have a degree of prominence. However, when considered in the context of the staggered roofline and weighing in the merits of the proposal in terms of the architectural detailing and overall enhancement of the site, it is considered that the scale of the proposal is acceptable and would not be harmful to the street scene.

18. To the rear, a single storey projection is proposed which is referenced on the plans as a 'semi-permanent structure'. This is a reference to the potential for this structure to be dismantled and relocated elsewhere, if St Catherine's Hospice ever decided to vacate the building. For the purposes of this planning application, the proposal is a permanent structure as it could remain on site in perpetuity. Given the location of this element of the proposal to the rear of the site, there would be limited impact on the street scene.

19. Subject to approval of materials by condition, it is considered that the proposed development accords with Chorley Local Plan policy BNE1 in respect of design.

Impact on amenity

20. The application site is bounded by residential properties either side, with number 59 benefiting from a first floor window to its side elevation which faces onto the site and the outlook is afforded over the application site. This window was planning permission retrospectively under ref: 17/00416/FULHH. It appears that the window does not benefit from building regulations consent, however this is separate legislation. The application at that time stated that the window was to serve a bedroom, following works to split the front room into two separate rooms. An objection has been received from the purchasers of this property stating that the proposal would block the only window to the bedroom. The separation distance of the proposed building from this neighbouring window would be approximately 0.8 metres, and this is the only window serving the bedroom. This relationship would adversely affect the amenity afforded to this neighbour by reason of loss of outlook and overbearing impact to this habitable room. This is a significant shortfall of the scheme.

21. The proposed building would project beyond the existing main rear elevations of 59 and 71 Clifford Street. In terms of 59 Clifford Street, the three storey element of the building would not breach 45 degrees from the nearest ground floor habitable window given the presence of a kitchen extension. In terms of the nearest ground floor window in 71 Clifford Street, there would be a breach of the 45 degree guideline at the corner of the building. This breach is not significant and, therefore, it is unlikely that the proposed building would result in adverse impact or loss of light. In addition, this is balanced against the removal of the existing buildings which are built up to the common boundary with number 71, and their replacement with a reduced height building set back from the boundary.

22. The single storey projection would occupy a large portion of the rear of the site, however it would have a reduced height than the existing buildings in this location and would be set back

from the north and west boundaries and, therefore, have less of an impact than the existing situation.

23. The proposal includes principal windows at first and second floors to its rear elevation; however there are no residential properties to the rear of the site which would be affected.

24. Properties situated along Arley Street, opposite the site, would be in excess of 28 metres from the proposed development which is a sufficient separation distance between first floor facing windows to safeguard the residential amenity of existing neighbours and future occupiers of the proposed development.

25. Due to the impact of the proposed development on the side facing habitable window of number 59 Clifford Street, the proposal would fail to accord with Chorley Local Plan policy BNE1 (b) in respect of amenity.

Highway safety

26. LCC have not raised any objections to the proposed development and advise that there would be no significant impacts on highway safety, capacity or amenity in the immediate vicinity of the site.

27. A neighbour objection raises concern in relation to existing parking problems which they consider would be worsened by the proposed development and set a bad precedent. LCC comment that waiting restrictions are in force which do not allow for on street parking, apart from the dual use residents parking bay with a limited waiting provision which allows for 1 hour parking no return within 2 hours Mon-Sat 9am-5pm. They have advised that the current permit scheme cannot be amended to include any additional resident parking permits as a result of the proposed development, and that permits issued already exceed the available spaces on the highway. LCC state that to include the proposed development into the residents parking scheme requires extensive consultation and design to overhaul the present scheme; and that it is unlikely to be undertaken in the near future. LCC recommend that that car ownership of occupiers of the development should be prevented by way of a legal agreement.

28. Planning obligations should only be used where it is not possible to address unacceptable impacts through a planning condition; and both are expected to meet the relevant tests as set out at paragraphs 55 and 56 of the Framework.

29. The site is situated just outside the defined Town Centre boundary, and falls within the core area of Chorley. It is highly accessible to sustainable modes of transport, being a short walking distance to the train station and bus station, which provide connectivity throughout Chorley and destinations outside the Borough. The site is also within walking distance of an array of services, shops and amenities found within the Town Centre. In addition, Chorley benefits from a number of public car parks in proximity to this site. It is clear that the application site is in a sustainable location.

30. The prevention of car ownership would not meet the conditions or planning obligations tests and is not considered necessary to make the development acceptable given that the proposal is acceptable in highway safety and capacity terms. Future occupiers of the proposed development would not be reliant on the private car and would benefit from a range of transport options. Future occupiers would be aware of the restrictions of the permit scheme and parking restrictions in the area. It is not within the remit of the Local Planning Authority to control car ownership and it is not considered that it would be enforceable.

31. LCC have requested that the existing dropped kerb is reinstated to full face kerbs and the footway re-profiled, by way of a s278 agreement. This would also include the re-lining of the highway with the removal of the H bar marking and the re-marking of the joint bay to include the Residents Parking and Limited Waiting. This could be controlled by condition, to ensure the proper construction and maintenance of Clifford Street in the interests of highways safety.

32. A Traffic Management Plan would be controlled by condition, having regard to the location of the site on the A6 and in order to minimise the impact of the constructions works for the residents and highway users.

Public open space

33. Policy HS4 of the Chorley Local Plan 2012-2026 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.

34. However, the National Planning Practice Guidance (NPPG) post-dates the adoption of the Local Plan and states that planning obligations should not be sought from developments of 10 or less dwellings and which have a maximum combined floorspace of no more than 1000 square metres.

35. In the determination of planning applications, the effect of the national policy is that although it would normally be inappropriate to require 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.

36. In terms of new provision in the settlement, there is currently a surplus in Chorley Town. In addition, the site is not within the accessibility catchment of 800 metres of any areas of provision for children/young people that are identified as being low quality and/or low value in the Open Space Study. Such contributions are not, therefore, required from this development.

Coal mining high risk area

37. The application is accompanied by a coal mining risk assessment due to the site being situated in a high risk area. The Coal Authority has assessed the supporting documentation and raise an objection. They advise that the submitted calculations in respect of the depth of the coal seams, their thickness and likely cover above, do not appear to have been informed by any borehole data; and that intrusive site investigations should be carried out in order to establish the exact situation in respect of coal mining legacy issues. The Local Planning Authority is, however, satisfied that a detailed land stability report could be conditioned, which would include further investigations. Subject to this condition, the proposal would accord with policy BNE7 of the Chorley Local Plan 2012-2026 (Unstable Land).

Other matters

38. Refuse storage - The submitted plan identifies an area of refuse storage to the northern elevation of the proposed single storey projection; and would utilise the alleyway as a route to the highway.

39. Access / maintenance - A neighbour objection raises concern in relation to the blocking of the alleyway during construction and that they are the sole maintainers/ uses of the alleyway. It is noted that the proposed plans retain an alleyway. However rights of access and historic maintenance are not a material planning considerations.

40. In addition, access to properties for maintenance / cleaning purposes and access to vents via third party land are also not material planning considerations.

CONCLUSION

41. The application proposes a mixed use development of retail and residential apartments which would make an efficient use of brownfield land in a sustainable location. The proposed development would result in a significant enhancement of the site in the street scene which is also located on a key route through the town. There would be no adverse impacts on highways safety or capacity. The proposal would support investment of the retail unit and make a contribution to the Council's housing land supply, which accords with the Government's

objective is to significantly boost the supply of homes. The Framework is clear that great weight should be afforded to the benefits of using suitable sites within existing settlements for homes. The proposal accords with the relevant policies of the Development Plan in all aspects, except policy BNE1 (b) of the Chorley Local Plan 2012-2026 due to the adverse impact that the proposed development would have on the side facing habitable window of 59 Clifford Street as a result of the substandard separation distance. However, the benefits of the proposal, as set out above, are considered to outweigh the adverse impact on this neighbouring dwelling.

RELEVANT HISTORY OF THE SITE

Ref: 04/00086/COU Decision: REFFPP Decision Date: 9 March 2004
Description: Change of use to restaurant with hot food take-away (Class A3),

Ref: 90/00754/FUL Decision: WDN Decision Date: 14 November 1990
Description: Change of use from builders yard and workshop to tyre retail depot

Ref: 86/00582/FUL Decision: WDN Decision Date: 30 September 1986
Description: Replacement of existing timber built sales room office and joinery workshop with new brick built sales room offices and joinery workshop

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

1. The proposed development must be begun not later than three years from the date of this permission.

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 approved plans below:

Title	Plan Ref	Received On
Location Plan	1601 EX 01	08.11.2017
	CW 01 EX 01	12.12.2017
Existing Elevations	CW 01 EX 02	12.12.2017
Proposed Elevations	CW 01 P 05a	27.07.2018
Site Layout	CW 01 P 01b	03.09.2018
Ground Floor	CW 01 P 02b	03.09.2018
First and Second Floor	CW 01 P 03b	03.09.2018

Reason: For the avoidance of doubt and in the interests of proper planning.

3. Prior to the commencement of development 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.

Reason: To ensure that the materials used are visually appropriate to the locality.

4. Prior to the commencement of the development hereby approved, other than demolition and site clearance, a Ground Stability Assessment shall be submitted to and approved in writing by the Local Planning Authority. This Ground Stability Assessment shall include bore hole

investigations and an assessment of the risks posed to surface instability. The development shall be carried out in accordance with the approved assessment.

Reason: The site is situated in a High Risk Area and the site is likely to have been subject to past coal mining activities, which could include historic unrecorded coal workings at shallow depth; and therefore further investigation is required.

5. Foul and surface water shall be drained on separate systems.

Reason: To secure proper drainage and to manage the risk of flooding and pollution.

6. Prior to the commencement of the development hereby approved, 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 secure proper drainage and to manage the risk of flooding and pollution.