

APPLICATION REPORT – 23/00921/FUL

Validation Date: 22 November 2023

Ward: Chorley North West

Type of Application: Full Planning

Proposal: Change of use of public house with residential accommodation above to 9no. one and two bed apartments with replacement windows to Fellery Street

Location: The Imperial 59 Union Street Chorley PR7 1AB

Case Officer: Daniel Power

Applicant: Mr Ryan Botell Atlantic Property Group Ltd

Agent: Mr Adrian Caulfield Whiteleyeaves Ltd

Consultation expiry: 13 December 2023

Decision due by: 8 March 2024 (Extension of time requested)

RECOMMENDATION

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

SITE DESCRIPTION

2. The application site is located within the settlement of Chorley on the northern side of Union Street, at the junction with Fellery Street. The existing building is two storey, with single storey elements to the rear. Attached to the east of the building is a café, with a terrace of dwellings located to the north. The pub is currently closed.

DESCRIPTION OF PROPOSED DEVELOPMENT

3. This application seeks planning permission for the change of use of the public house with residential accommodation above to 9no. one and two bed apartments with replacement windows to Fellery Street. The proposed apartments would be across three floors of the existing building.

REPRESENTATIONS

4. No comments have been received.

CONSULTATIONS

5. Lancashire County Council Highway Services (LCC Highway Services): LCC Highway Services do not have any objections in principle to the proposed development and have recommended conditions relating to cycle parking provision and the submission of a construction management plan.

6. Waste & Contaminated Land Officer: Have no objections to the proposed development and welcome the inclusion of a dedicated bin storage area for domestic waste and recycling bins.
7. Regulatory Services - Environmental Health: No comments have been received.
8. CIL Officers: Have commented that this development is subject to the CIL Charge for Apartments as listed in Chorley Councils CIL Charging Schedule.

PLANNING CONSIDERATIONS

Principle of development

9. The application site is located within the Settlement Area Chorley, as allocated within policy V2 of the Local Plan, where the principle of new development is supported.

Loss of community facilities

10. The proposal would result in the loss of a community facility, in this case a pub, therefore, policy HW6 (Community Facilities) is relevant and states that development proposing the change of use or loss of any premises or land currently or last used as a community facility (including community centres, village and church halls, places of worship, public houses, children's centres, libraries, cultural facilities and health facilities) 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; and
 - 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.
11. The building is located within the settlement boundary of Chorley but to the north and outside of the Town Centre Boundary. There are approximately 12 pubs located within a 5 minute walk of application site, all of which are within the Town Centre Boundary. The pub has had numerous tenants in the last 4 years of operation with the licence being revoked twice and remaining empty for over the last 2 years. Given the location of the pub outside of the Town Centre, with a large number of pubs within walking distance, it is considered the proposal accords with the above policy.

Impact on the neighbour amenity

12. Policy BNE1 (Design Criteria for New Development) of the Chorley Local Plan 2012 -2026 stipulates that new development should not cause harm to any neighbouring property by virtue of overlooking, overshadowing, or by creating overbearing impacts; and that the proposal should not cause an unacceptable degree of noise disturbance to surrounding land uses;
13. The existing property is located within an area with a mixture of uses, with residential properties located to the north, and commercial/retail premises located to the south within the Town Centre. The proposed development would utilise an existing building with no additional windows proposed. As such, the relationship with the neighbouring properties would not be altered and, therefore, there would be no additional overlooking or loss of light or outlook as a result of the proposed change of use. Given the existing use of the site it is not considered the proposal would have a significant adverse impact on neighbouring amenity.

Highway safety

14. Policy BNE1 (Design Criteria for New Development) of the Chorley Local Plan 2012 -2026 stipulates that planning permission will be granted for new development, including extensions, conversions and free standing structures, provided that the residual cumulative highways impact of the development is not severe and it would not prejudice highway safety, pedestrian safety, the free flow of traffic, and would not reduce the number of on-site parking spaces to below the standards stated in Site Allocations Policy – Parking Standards, unless there are other material considerations which justify the reduction.
15. Policy ST4 of the Chorley Local Plan 2012 - 2026 allows for a deviation from the parking standards where there are sustainable credentials. This depends upon local circumstances such as the location and size of the development, its proximity to public car parks, existing parking issues in the area and existing traffic management and safety issues, which should be taken into account. In addition, locations that are considered to be more sustainable and well served by public transport may be considered appropriate for lower levels of provision.
16. The application does not propose any off street parking, however the application site is located in a sustainable location close to local amenities, bus stops and Chorley railway station and, therefore, the lack of provision for off-street parking provision is acceptable subject to the provision of secure, covered cycle storage with space for a minimum of 9 cycles for communal cycle storage areas, to support social inclusion and promote sustainable forms of transport.

Design and impact to local character

17. The National Planning Policy Framework (the Framework) attaches considerable importance on achieving good design and a high-quality built environment. It states that planning policies and decisions should respond to local character and history and seek to reinforce local distinctiveness. The importance of high-quality design is reflected in the Central Lancashire Core Strategy (policy 17) and the Chorley Local Plan (policy BNE1).
18. No external extensions or alterations are proposed to the building apartment from changing windows facing Fellery Street, to white uPVC, to match the existing. There will be no impact on the host building or the surrounding locality as a result of the proposals and as such the development, therefore, complies with policy BNE1 of the Chorley Local Plan 2012 – 2026 with regards to the design.

Public open space

19. Policy HS4A and HS4B of the Chorley Local Plan 2012 – 2026 - Open Space Requirements in New Housing Developments explains that all new housing developments will be required to make provision for open space and recreation facilities, where there are identified local deficiencies in the quantity, accessibility, or quality and/or value of open space and recreation facilities. The requirements for the proposed development are as follows:
20. The Council does not require contributions from developments of fewer than 11 dwellings in respect amenity greenspace, parks and gardens, natural and semi-natural greenspace, allotments and playing pitches. No contributions are, therefore, required in this case for these standards.
21. With regards to provision for children and young people, there is currently a balanced provision in Chorley North West in relation to this standard and, therefore, a contribution towards new provision in the ward is not required from this development. The site is also not within the accessibility catchment (800m) of any areas of provision for children/young people that are identified as being low quality and/or low value in the Open Space Assessment Report (February 2019)/Open Space Study Paper (February 2019). A contribution towards improvements is, therefore, also not required from this development.

Community Infrastructure Levy

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

CONCLUSION

23. The proposed development would not have an unacceptable adverse impact on the character and appearance of the existing site and the surrounding area, the amenity of neighbouring residents or highway safety, capacity or amenity. The application therefore accords with BNE1 of the Chorley Local Plan 2012 – 2026. Consequently, it is recommended that the application is approved, subject to conditions.

RELEVANT HISTORY OF THE SITE

Ref: 5/1/01295 **Decision:** PERFFP **Decision Date:** 30 September 1959
Description: Erection of three shops

Ref: 82/00091/FUL **Decision:** REFFPP **Decision Date:** 6 April 1982
Description: Conversion of covered stable yard to disco

Ref: 83/00633/FUL **Decision:** REFFPP **Decision Date:** 25 October 1983
Description: Conversion of covered stable yard into extension of public house for disco facilities

Ref: 89/00751/FUL **Decision:** PERFFP **Decision Date:** 30 November 1989
Description: Construction of fire escape and access passageway from first floor level

Ref: 02/00795/ADV **Decision:** PERADV **Decision Date:** 14 November 2002
Description: Display of illuminated signs

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
Proposed Plans	010 Rev A	22 November 2023
Proposed Plans and Elevations	011 Rev A	22 November 2023

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

3. No building or use hereby permitted shall be occupied or the use commenced until the cycle parking provision shown on the approved plans has been completed. The area shall thereafter be kept free of obstruction and available for the parking of cycles only at all times.

Reason: To ensure the provision and availability of adequate cycle parking and the promotion of sustainable forms of transport.

4. No development shall take place, including any works of demolition or site clearance, until a Construction Management Plan (CMP) or Construction Method Statement (CMS) has been submitted to, and approved in writing by the local planning authority. The approved plan / statement shall provide:

- 24 Hour emergency contact number;
- Details of the parking of vehicles of site operatives and visitors;
- Details of loading and unloading of plant and materials;
- Arrangements for turning of vehicles within the site;
- Swept path analysis showing access for the largest vehicles regularly accessing the site and measures to ensure adequate space is available and maintained, including any necessary temporary traffic management measures;
- Measures to protect vulnerable road users (pedestrians and cyclists);
- The erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate;
- Wheel washing facilities;
- Measures to deal with dirt, debris, mud or loose material deposited on the highway as a result of construction;
- Measures to control the emission of dust and dirt during construction;
- Details of a scheme for recycling/disposing of waste resulting from demolition and construction works;
- Construction vehicle routing;
- Delivery, demolition and construction working hours.

The approved Construction Management Plan or Construction Method Statement shall be adhered to throughout the construction period for the development.

Reason: In the interests of the safe operation of the adopted highway during the demolition and construction phases.