

APPLICATION REPORT – 18/00852/FUL

Validation Date: 10 September 2018

Ward: Chorley North West

Type of Application: Full Planning

Proposal: Demolition of existing bungalow and erection of three storey building to house dental surgery and five flats, with associated parking and access.

Location: 7 Southport Road Chorley PR7 1LB

Case Officer: Amy Aspinall

Applicant: Mr & Mrs Hickey

Agent: Mr Peter Entwistle, PCE Designs Ltd

Consultation expiry: 4 March 2020

Decision due by: 2 June 2020

RECOMMENDATION

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

SITE DESCRIPTION

2. The application site is located within the settlement boundary of Chorley, and falls within a designated locally important area, as defined by the Chorley Local Plan Policies Map and policy BNE8.
3. It is occupied by a detached bungalow which is situated to the rear of the site (south), with vehicular access off Shaftesbury Place. The dwellinghouse benefits from a large garden which extends to its boundary with Southport Road, where a pedestrian access exists. Part of the site of the adjacent dental practice at 9 Southport Road also forms part of the application site.

DESCRIPTION OF PROPOSED DEVELOPMENT

4. The application seeks planning permission for the erection of a three storey building comprising a dental surgery with 5no. flats above, over two storeys. The proposal includes dedicated parking and access off Southport Road. The existing detached bungalow would be demolished to facilitate the development.

REPRESENTATIONS

5. 5no. objections and 1no. representation of support were received in relation to the originally submitted scheme. These are summarised below:

Objections:

- Inadequate parking provision – no on-street parking available

- Development will increase the parking and traffic problems / there is no parking enforcement in place – people park on double yellow lines outside the dental practice / already parking problems and traffic associated with the nursery
- Should prohibit traffic on north side of Shaftesbury Place to its junction with Ashfield Road / Ribblesdale Place
- Impact of construction traffic
- Scale of development is out-of-keeping and will dominate the Coach House and adjacent properties
- Scheme doesn't relate to Shaftesbury Place
- Proximity of the development to windows of the Coach House – overlooking, loss of privacy
- The development should be reduced two storeys or positioned on the building line of the other Southport Road properties, since these are all three stories, and all car parking located at the rear.
- The existing dental practice operates from 8 am to 8pm, more than any other commercial enterprise on Southport Road
- Misleading as the apartments are market housing, not affordable units.
- Deep foundations adjacent to Coach House which is over 100 years old
- Applicant's home is not 7 or 9 Southport Road
- Loss of trees which were planted and consecrated by the Late Bishop / the Council has blatantly ignored consecrated ground
- No details of pre-application advice have been provided
- Doubtful that there will be any response from any of the 15 flats at nos. 1&3 Southport - unoccupied

Support:

- Car parking is urgently needed for the dental practice
 - Proposal will facilitate drop off and pick up for elderly and infirm patients
 - Proposal will mean better access to dental care for people
 - More job opportunities
 - Helps with house building targets
6. Local residents were re-notified following the submission of amended plans. As part of this re-notification 2no. representations have been received which support the application as the revised scheme alleviates their concerns.
 7. 1no. representation has been received as part of the re-notification citing the following grounds of objection:
 - Proximity of bins to Coach House
 - Parking spaces next to Coach House
 - Traffic problems at Shaftesbury Place

CONSULTATIONS

8. Lancashire County Council Highway Services: Have no objection and recommend conditions.
9. United Utilities: Have no objection.
10. CIL Officers: Comment that the development is CIL liable.
11. Greater Manchester Ecology Unit: Have no objection.

PLANNING CONSIDERATIONS

Principle of development

12. The application site is located within the settlement boundary of Chorley, as defined by the Chorley Local Plan Policies Map.

13. Policy V2 (Settlement Areas) of the Chorley Local Plan 2012 – 2026 states that within the areas excluded from the Green Belt, and identified on the Policies Map, there is a presumption in favour of appropriate sustainable development, subject to material planning considerations and the other Policies and Proposals within the Plan.
14. Policy 1 of the Central Lancashire Core Strategy provides that growth and investment will be concentrated in a number of places, including Chorley Town.
15. The site is also comprised, in part, of a private residential garden and, therefore, policy HS3 (Private Residential Garden Development) of the Chorley Local Plan 2012 – 2026 is applicable.
16. Policy HS3 states that in settlements applications for development within private residential gardens on sites not allocated in the Housing Allocations Policy will only be permitted for:
- a) Appropriately designed and located replacement dwellings where there is no more than one for one replacement.
 - b) The conversion and extension of domestic buildings.
 - c) Infill development on gardens. Infill is the filling of a small gap in an otherwise built-up street frontage, e.g. typically a gap which could be filled by one or possibly two houses of a type in keeping with the character of the street frontage.
17. In assessing the proposed development against the criteria of policy HS3, the proposal fails to accord with criteria (a) and (b) as it does not involve a replacement dwelling or a conversion scheme. In terms of criteria (c) the proposal would involve the filling of a gap in a built up frontage, however it would not satisfactorily fall within the definition of 'infill development' as set out at Appendix E of the Chorley Local Plan.
18. The policy also provides that when assessing applications for garden sites, the Council will have regard to sustainability, such as access to public transport, schools, businesses and local services and facilities; and that proposals which significantly undermine amenity and harm the distinctive character of an area will be refused. In addition, the reasoned justification of the policy provides, among other things, the Council will have particular regard to the protection and enhancement of heritage assets; and also have regard to the relationship of development to the surrounding character in terms of density, siting, layout, massing, scale, design, materials, building to plot ratio and landscaping.
19. When considering heritage assets, policy BNE8 of the Chorley Local Plan 2012 - 2026 provides that applications will be granted where they sustain, conserve and, where appropriate, enhance the significance, appearance, character and setting of the heritage asset itself and the surrounding environment, and where they show consideration for a number of criteria. The policy also states that development involving the demolition or removal of significant heritage assets or parts thereof will be granted only in exceptional circumstances which have been clearly and convincingly demonstrated to be in accordance with the requirements of the Framework.
20. In addition, criterion (e) of policy BNE1 of the Chorley Local Plan 2012 – 2026 provides that planning permission will be granted for new development where the proposal would not adversely affect the character or setting of a listed building and/or the character of a conservation area and/or any heritage asset including locally important areas.
21. Central Lancashire Core Strategy policy 16 (Heritage Assets) also aims to protect and seek opportunities to enhance the historic environment, heritage assets and their setting in a number of ways including safeguarding heritage assets from inappropriate development that would cause harm to their significance.
22. At paragraph 197 the Framework states that the effect of an application on the significance of a non-designated heritage asset should be taken into account in determining the application. In weighing applications that directly or indirectly affect non-designated heritage assets, a

balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset.

- 23.The Framework recognises that the more important the asset, the greater the weight should be given to their conservation. For non-designated heritage assets, the Framework does not require proposals to meet detailed criteria in the same way as designated assets, it simply requires a balanced judgement to be made.
- 24.The area is a non-designated heritage asset, being defined within policy BNE8 (Protection and Enhancement of Heritage Assets) of the Chorley Local Plan 2012 – 2026 as a locally important area. The area, therefore, has some historical significance at a local level. The existing bungalow is, however, of low architectural merit and does not display the architectural style of the traditional villas of Southport Road or period properties within the area, existing more as a back-land form of development. It is not considered that the bungalow makes a positive contribution to the character of the locally important area, indeed it could be argued that it detracts from the area. The loss of the bungalow would not in itself harm the significance of the heritage asset and it is not considered that it is worthy of protection from development pressures. The garden does, however, offer an attractive frontage to Southport Road, although this is not necessarily characteristic of the area i.e. large garden frontages and separation distances between side elevations of properties.
- 25.In terms of the impact of the proposed development, this would bring the built form to the front of the site, which is currently open. The proposal has been designed to be in-keeping with the adjacent properties of 3 and 9 Southport Road which are three storey villas, in design terms having regard to matters such as scale, layout, established building line, and architectural style to the key front elevation. The rear of the site would be laid to hardstanding to form a car park, meaning that it would be largely screened from Southport Road and provides the opportunity for soft landscaping to the frontage. Having regard to the above, it is not considered that the proposal would be harmful to the character and appearance of the local important area.
- 26.Although the proposed development does not strictly comply with policy HS3 of the Local Plan, the proposed development would not undermine the character of the area which this policy seeks to protect. In addition, the site is situated in a highly sustainable location, close to Chorley Town Centre, with access to services, shops, schools and transport options.
- 27.The Framework sets out 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. Small sites such as this can make an important contribution to housing supply and would deliver 5no. units. The Framework is clear that great weight should be afforded to the benefits of using suitable sites within existing settlements for homes.
- 28.The Framework is also clear that significant weight should be placed on the need to support economic growth and productivity, taking into account both local business needs and wider opportunities for development; and that decisions should help create the conditions in which businesses can invest, expand and adapt.
- 29.It is considered that these factors weigh heavily in favour of the proposal and outweigh the non-compliance with policy HS3 of the Chorley Local Plan 2012 – 2026.

Highway safety

- 30.Neighbour objections to the original scheme were concerned with the increased parking and traffic, and the impact on Shaftsbury Place, where Lancashire County Council Highways recognise that highway safety concerns already exist. The current scheme seeks to close the access to Shaftsbury Place and provide a single dedicated access to Southport Road, which would allow two-way traffic movements. The removal of the access to serve the development along Shaftsbury Place should alleviate some of the concerns of residents.

- 31.The site would accommodate 17no. parking spaces in total to serve the development and also the dentist at 9 Southport Road, which currently has minimal dedicated parking provision. There would be a shortfall of 5no. parking spaces, however, it should be recognised that the site is situated within a sustainable location, close to the defined Town Centre, with good quality footways to serve pedestrians, is also on a bus route and close to cycle routes. The shortfall is considered to be acceptable, and it is noted that LCC raise no objection. Cycle parking could be conditioned accordingly, in the interests of promoting this mode of travel.
- 32.Detailed design and construction of the access and associated works would be covered by S278 works. However, LCC have sought improvements to two bus stops but are unable to provide costings as they state this would be done as part of the S278 works. Whilst improvements to the bus stops would provide a benefit, it is not clear how this aspect is fairly and reasonably related in scale and kind to the development and it is not considered that the improvements would be necessary to make the development acceptable in planning terms.
- 33.LCC Highways advise that the proposed development is acceptable and, therefore, the proposal is considered to accord with policy BNE1 (d) of the Chorley Local Plan 2012 – 2026.

Ecology

- 34.The application is accompanied by an ecological survey which has been assessed by the Council's appointed ecologists at Greater Manchester Ecology Unit.
- 35.In terms of the building to be demolished, this has low potential to support bats and no evidence of bats was observed during the inspection or surveys. The garden was considered to have the potential to support nesting birds and, therefore, any vegetation clearance should be carried out outside nesting season (i.e. March to August inclusive).
- 36.It has been reported that the trees on site have been removed and that these were planted and consecrated by a late Bishop. It should, however, be noted that the trees on site were not protected by way of a Tree Preservation Order, and that the planting and consecration of trees does not affect their status in planning terms. It is the applicant's right to remove trees on their land which are not subject to control. The report recommends the provision of 2no. bird or bats boxes, in the interest of biodiversity. This could be secured by way of condition.
- 37.The application is not considered to be detrimental to nature conservation interests and accords with policy BNE9 of the Chorley Local Plan 2012 – 2026.

Impact on amenity

- 38.The application proposes a three storey building, situated between 9 Southport Road and 3 Southport Road. Number 9 is a dental practice, with number 3 being vacant, but comprised of flats. A separation distance of approximately 14 metres would be achieved between the side elevation of number 3 which contains habitable windows, and this is an acceptable distance to avoid the proposed development from being overbearing or visually intrusive to future occupiers of the flats. As number 3 is a dental practice and associated with the application, there is no existing residential amenity to protect. Side facing windows of the proposed development do not serve habitable rooms, and the flats are considered to offer acceptable living standards for future occupiers.
- 39.The proposal would achieve a separation distance in excess of 21 metres from those properties on the opposite side of the road, namely 6 and 8 Southport Road, which is an acceptable distance to avoid adverse amenity impacts on the occupiers of these neighbouring properties.
- 40.To the rear of the site is a property known as the 'Coach House' which is situated on the boundary with the application site, with the rear and side elevation of the property forming the boundary. The planning history details that there are no windows to these boundary elevations and that the property was granted planning permission as a granny flat in

association with 11 Southport Road. It would appear that the property is now severed from 11 Southport Road, which is now a nursery. The proposal would entail the demolition of the existing bungalow which is adjacent to the Coach House, and the proposed building being erected some 10 metres to the north of this neighbouring property, albeit at three storeys in height. As the building would be located to the north, there would be no adverse impacts of loss of light or overshadowing to this dwellinghouse, or its associated garden. Equally there would be no overlooking or loss of privacy to any habitable rooms of the Coach House, as none face towards the application site. Views from the first and second floor windows of the living rooms of flats 1 and 5 would not directly face the Coach House, as the development would be offset, and its garden would be screened to a degree by the Coach House itself.

41. The proposed bin area is identified to the north of the Coach House, however, no details of the storage enclosure has been submitted. It is noted that the council's Environmental Health officer has raised no objections to the proposal, or this matter. Details of the bin enclosure could be secured by way of condition.
 42. The proposal would lead to increased activity on the site which is currently occupied by a single domestic dwellinghouse. It would increase the number of residential units on site to five apartments and would increase the offering of the existing dental practice through its expansion. There would be increased traffic and comings and goings of patients and staff, with dedicated parking to the rear of the site. The access point to Shaftsbury Place would, however, be blocked off and, therefore, traffic or parking issues should not be exacerbated in this location.
 43. The application site is located within 200 metres of the Town Centre in an area which has both residential and commercial offerings, in particular along Southport Road itself which is a key route into and out of the Town Centre. It is considered that the proposal would be a compatible form of development with neighbouring land uses and would not give rise to adverse impacts of noise or disturbance.
- Public open space
44. 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.
 45. 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
 46. In the determination of planning applications, the effect of the national policy is that although it would normally be inappropriate to require certain types of contributions on sites below the thresholds stated, local circumstances may justify lower thresholds as an exception to the national policy. It is 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.
 47. 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 10, or fewer, dwellings. The Council has agreed to only seek contributions towards provision for children/young people on developments of 10 dwellings or less.
 48. There is currently a deficit of such provision in Chorley North East, however a financial contribution for off-site provision can only be requested if there is an identified scheme for new provision. As there are currently no schemes identified, a financial contribution cannot be secured.
 49. There is currently a surplus of provision in Chorley North West in relation to this standard and the site is within the accessibility catchment (800m) of an area of provision for children/young

people and there are no identified scheme for improvements. A contribution towards new or improved provision in the ward is not, therefore, required from this development.

Other matters

- 50.Notification to empty properties – the Council notifies properties in accordance with the Statement of Community Involvement, regardless of whether or not the property is occupied.
- 51.Occupation of number 7 and 9 Southport Road – whether or not the applicant lives at these properties is not relevant to the application.
- 52.Method of construction – this is covered under Building Regulations.
- 53.Pre-application information – such details do not need to be disclosed.

CONCLUSION

- 54.Although the proposed development does not strictly comply with policy HS3 of the Chorley Local Plan 2012 – 2026, it would not undermine the character of the area which this policy seeks to protect. The proposal would contribute to housing land supply through the delivery of 5no. residential units, in a sustainable area, close to the Town Centre of Chorley. In addition, the proposal would support an existing business and support job opportunities and access to health care within the community. The proposed development would be acceptable in highways safety terms; would not adversely affect neighbouring residential amenity; and would not be detrimental to nature conservation interests. The application is recommended for approval accordingly, subject to conditions.

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

- 55.There is no recent relevant planning history.

Suggested conditions

- 56.To follow.