

APPLICATION REPORT – 21/01091/OUT

Validation Date: 12 October 2021

Ward: Chorley North West

Type of Application: Outline Planning

Proposal: Outline planning application for the erection of an apartment block of up to 4no. apartments, following the demolition of the existing building. All matters reserved, excluding access.

Location: Devonshire Garage Devonshire Road Chorley PR7 2BY

Case Officer: Amy Aspinall

Applicant: Suffolk Life

Agent: Mr Waseem Azam, LMP Architectural Consultants

Consultation expiry: 18 November 2022

Decision due by: 19 January 2023 (Extension of time agreed)

RECOMMENDATION

1. It is recommended that outline planning permission is granted, subject to conditions.

SITE DESCRIPTION

2. The application site is located within the settlement boundary of Chorley, as defined by the Chorley Local Plan Polices Map, with the immediate locality comprising of a range of land uses. It is currently occupied by two storey buildings which are currently vacant and were previously in use as a garage business and more recently used for storage. The site
3. Properties nos.35 and 37 St Thomas's Road are situated at the junction of St Thomas's Road and Devonshire Road and are grade II listed buildings. They are, however, partly separated from the application site by the intervening development of 180 Devonshire Road.

DESCRIPTION OF PROPOSED DEVELOPMENT

4. The application seeks outline planning permission to demolish the existing buildings on site and to erect an apartment block comprising of up to 4no. units. All matters are reserved, save for access which would be obtained from Devonshire Road.

REPRESENTATIONS

5. One objection has been received from a neighbouring resident raising issues of parking, access, loss of privacy, increase in traffic and noise.

CONSULTATIONS

6. Lancashire County Council Highway Services (LCC Highway Services): have responded with no objection to the proposal and have requested that an advice note be attached to any grant of planning permission to inform the applicant of their duties with regards to altering an access to the public highway.

7. Greater Manchester Ecology Unit: initially responded to request a bat survey be undertaken in support of the planning application. Upon receipt of the survey from the applicant, they responded with no objection to the proposal, subject to conditions.
8. Waste & Contaminated Land Officer: responded to recommend a land contamination condition be attached to any grant of planning permission due to the former use and proposed sensitive end use of the proposal (residential).
9. The Coal Authority – Initially responded to request a Coal Mining Risk Assessment in support of the proposal. Upon receipt of the requested assessment, advised that they have no objection to the proposal.
10. United Utilities: Advise that the site should be drained on a separate system with foul water draining to the public sewer and surface water draining in the most sustainable way.
11. Lancashire Archaeology – have recommended a condition be attached to any grant of planning permission to secure a programme of archaeological recording.

PLANNING CONSIDERATIONS

Principle of development

12. The site is located within the settlement Chorley as identified within the Chorley Local Plan 2012-2026. Policy V2 of the Chorley Local Plan 2012 - 2026 sets out 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 subject to material considerations and other policies and proposals within the plan.
13. Policy 1 of the Central Lancashire Core Strategy seeks to focus growth and investment within certain areas, including the key service town of Chorley.
14. The National Planning Policy Framework (the Framework) advises that to promote the development of a good mix of sites, local planning authorities should, among other things, 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.
15. The principle of the residential development of this site is acceptable in planning policy terms, subject to other considerations as set out in this report.

Impact on the character and appearance of the area

16. 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 the proposal does not have a significantly detrimental impact on the surrounding area by virtue of its density, siting, layout, building to plot ratio, height, scale and massing, design, orientation and use of materials; and that the layout, design and landscaping of all elements of the proposal, including any internal roads, car parking, footpaths and open spaces, are of a high quality and respect the character of the site and local area.
17. The application is in outline form with detailed design being reserved for later consideration, however, indicative plans have been submitted to illustrate one way in which the site could be developed. The indicative plans show a two-storey block set to the rear of the site, with individual entrance doors and design features to reflect other buildings within the locality. The indicative layout also shows parking to the frontage. The acceptability of the submitted indicative scheme is not for detailed consideration now, however, it does serve to demonstrate that a development of two storey scale / height would not look out of place or be overly dominant in the immediate streetscene. Furthermore, the scale could be controlled by way of a planning condition. Any reserved matters scheme would need to

demonstrate an appropriate designed scheme with suitable landscaping and private amenity areas.

18. Notwithstanding the above, in its current form the existing development makes a negative contribution to the streetscene and a suitable redevelopment scheme could be secured at reserved matters stage.

Impact on heritage assets

19. The Planning (Listed Buildings and Conservation Areas) Act 1990 (The Act) sets out the principle duty that a Local Planning Authority shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses. Great weight and importance is attached to this duty.
20. The National Planning Policy Framework (The Framework) at Chapter 16 deals with conserving and enhancing the historic environment. The following paragraphs contained therein are considered to be pertinent in this case:
21. At paragraph 197 the Framework states that in determining applications, Local Planning Authorities should take account of:
 - a) the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation;
 - b) the positive contribution that conservation of heritage assets can make to sustainable communities including their economic vitality; and
 - c) the desirability of new development making a positive contribution to local character and distinctiveness
22. Paragraph 199 provides that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance.
23. At paragraph 205 the Framework states that Local planning authorities should require developers to record and advance understanding of the significance of any heritage assets to be lost (wholly or in part) in a manner proportionate to their importance and the impact, and to make this evidence (and any archive generated) publicly accessible.
24. The adopted Central Lancashire Core Strategy (2012) policy 16 (Heritage Assets) states: Protect and seek opportunities to enhance the historic environment, heritage assets and their settings by:
 - a) Safeguarding heritage assets from inappropriate development that would cause harm to their significances.
 - b) Supporting development or other initiatives where they protect and enhance the local character, setting, management and historic significance of heritage assets, with particular support for initiatives that will improve any assets that are recognised as being in poor condition, or at risk.
 - c) Identifying and adopting a local list of heritage assets for each Authority.
25. Chorley Local Plan 2012 - 2026 policy BNE8 (Protection and Enhancement of Heritage Assets) states that:
 - a) Applications affecting a Heritage Asset or its setting will be granted where it:
 - i. Is in accordance with the Framework and relevant Historic England guidance;
 - ii. Where appropriate, takes full account of the findings and recommendations in the Council's Conservation Area Appraisals and Management Proposals;
 - iii. Is accompanied by a satisfactory Heritage Statement (as defined by Chorley Council's advice on Heritage Statements) and;

- b) 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 historic environment and where they show consideration for the following:
- i. The conservation of features and elements that contribute to the heritage asset's significance and character. This may include: chimneys, windows and doors, boundary treatments, original roof coverings, earthworks or buried remains, shop fronts or elements of shop fronts in conservation areas, as well as internal features such as fireplaces, plaster cornices, doors, architraves, panelling and any walls in listed buildings;
 - ii. The reinstatement of features and elements that contribute to the heritage asset's significance which have been lost or damaged;
 - iii. The conservation and, where appropriate, the enhancement of the setting of heritage assets;
 - iv. The removal of additions or modifications that are considered harmful to the significance of any heritage asset. This may include the removal of pebbledash, paint from brickwork, non-original style windows, doors, satellite dishes or other equipment;
 - v. The use of the Heritage Asset should be compatible with the conservation of its significance. Whilst the original use of a building is usually the most appropriate one it is recognised that continuance of this use is not always possible. Sensitive and creative adaptation to enable an alternative use can be achieved and innovative design solutions will be positively encouraged;
 - vi. Historical information discovered during the application process shall be submitted to the Lancashire Historic Environment Record.
26. 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.
27. The existing buildings would be demolished as part of the proposed development and in heritage terms, they have no real intrinsic value/significance. The application site is situated to the south of no.35 and no.37 St Thomas's Road which are grade II listed buildings. The key issue to consider in heritage terms is whether or not the proposed development would result in any harm to the setting (and thereby the significance) of these adjacent listed buildings. It should be noted that the application is accompanied by a Heritage Statement.
28. The current site does not contribute positively to the existing setting of the adjacent heritage assets and given the modern-day changes which have occurred around the listed buildings, their setting does not contribute much to their overall significance. The application is in outline form and whilst scale is a reserved matter, indicative drawings have been submitted which show a two storey development. Whilst this is only indicative, it does serve to demonstrate that two storeys is an appropriate scale and height for the site, without dominating the immediate setting of the listed buildings, or impinging on the retained views of the heritage assets within the streetscene. As the proposal is in outline form, the final detailed design, appearance and external finishes would need to be appropriately considered at that time, but it is considered that a scheme of betterment could be achieved compared to the current situation which makes a negative contribution to the setting of the listed building and also to the streetscene.
29. Having regard to the above, the imposition of appropriate conditions and detailed design at reserved matters stage, the proposal would meet the statutory test 'to preserve' the significance of the listed buildings. As such, the proposal meets the objectives of Chapter 16 of the Framework and policy BNE8 of the Chorley Local Plan 2012-2026 and Policy 16 of the adopted Central Lancashire Core Strategy.
30. In terms of archaeological interest, the Council's archaeological advisors at Lancashire County Council advise that the site is considered to have the potential to contain surviving archaeological deposits associated with the medieval, Post-medieval and/or later periods. However, later development of the site is considered likely to have caused damage to, or the destruction of, earlier deposits. Given the above, LCC advise that a programme of archaeological investigation and recording, and that such work should be secured by way of condition. It is considered that the condition is appropriate in this case and would be in line with paragraph 205 of the Framework.

Impact on neighbouring amenity

31. 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, where relevant to the development the proposal would not cause harm to any neighbouring property by virtue of overlooking, overshadowing, or by creating an overbearing impact; and that the proposal would not cause an unacceptable degree of noise disturbance to surrounding land uses.
32. To the south of the site is the former Revenue building which has been converted to apartments. The rear of this building has a number of primary windows serving habitable rooms at ground and first floor level which face towards the application site. The interface distances from these windows to the application buildings is already substandard and they have a poor outlook. The proposed development would not worsen this situation and privacy between any directly facing habitable windows could be maintained through appropriately positioned windows at detailed design stage.
33. Sumner House is situated to the north west of the site, with its rear elevation overlooking its car park. Despite the neighbour objection from Sumner House, given the relationship of these flats to the proposed development, there would be no direct overlooking to either existing residents of the flats, or future occupiers of the proposal.
34. The proposed residential use of the site would be compatible with surrounding land uses and would not give rise to unacceptable impacts of noise or disturbance having regard to the lawful use of the site.

Impact on ecological interests

35. Policy BNE9 (Biodiversity and Nature Conservation) of the Chorley Local Plan 2012 – 2026 stipulates that Biodiversity and Ecological Network resources will be protected, conserved, restored and enhanced; and that priority will be given to, among other things, protecting, safeguarding and enhancing habitats for European, nationally and locally important species.
36. During the course of the application, a bat survey was submitted due to the potential roost features within the building. The survey identifies that no bats or evidence of bats were found during the daytime inspection, however it does identify potential roost features suitable for bats, associated with wall cavities. However, given the location and landscape setting, the survey advises that these features have low potential for bats to use throughout the year. Mitigation is set out at Table 1 section 4.1 of the submitted report.
37. The survey identifies that a bird's nest was found in the building and that the vegetation around the building provides nesting opportunities.
38. The Council's appointed ecologists at Greater Manchester Ecology Unit have assessed the application and agree with the findings of the report. They recommended that the development is carried out in accordance with the mitigation measures set out in the survey in relation to bats, including updated surveys, should the demolition works have not been commenced by April 2023. A nesting birds condition is also recommended, in addition to biodiversity enhancement measures. In terms of updated bat surveys, it would be appropriate to condition these as part of the reserved matters application.
39. Having regard to the above it is not considered that the proposal would be detrimental to nature conservation or protected species interests.

Highway safety

40. 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.

41. The application is accompanied by an indicative layout plan which shows one way in which the site could be developed, although the access is for detailed consideration now. This provides parking provision to the front of the site with 1no. parking space per apartment. LCC Highway Services have assessed the application and advise that they have no objection in principle.
42. Concern has been raised in a neighbouring objection regarding the under-provision of parking for the proposed scheme and the existing traffic issues in the area. The proposal is, however, only for up to 4no. apartments, which is a small-scale scheme and the level of traffic associated with it is likely to be less than the lawful use of the site. Furthermore, the site is situated in a sustainable location in close proximity to Chorley town centre with good access to shops, services, amenities and transport options. On this basis, it is considered that a reduction in the parking standards would be acceptable and the detailed layout would be determined at reserved matters stage. Furthermore, cycle parking provision could be secured by way of a planning condition, in order to encourage cycle use as an alternative to the car.
43. A neighbour objection considers that the proposal includes removing a wall to the rear of the site and displacing car parking in this area. However, this is not part of the proposed development and the car park to the rear is not within the ownership of the applicant.
44. It is considered that safe access can be achieved, and that the proposal would not prejudice highways safety, having regard to Chorley Local Plan policy BNE1.

Public open space

45. 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.
46. Until recently the National Planning Practice Guidance (NPPG) previously set out a threshold for tariff-style contributions, stating 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. This guidance has been removed from the latest NPPG and has been replaced with a requirement that planning obligations for affordable housing should only be sought for residential developments that are major developments.
47. Specifically, the guidance as of last year was derived from the order of the Court of Appeal dated 13 May 2016, which gave legal effect to the policy set out in the Written Ministerial Statement of 28 November 2014 which has not been withdrawn and which should, therefore, clearly still be taken into account as a material consideration in the assessment of planning applications.
48. To this end whilst 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.
49. Consequently, 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. The standard is 0.08 hectares per 1,000 population.

50. There is, however, currently a surplus of provision in Chorley North West in relation to this standard, and a contribution towards new provision in the ward is not, therefore, 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 Standards Paper (February 2019). Accordingly, a contribution towards improvements cannot be required from this development.

Coal high risk area

51. The Coal Authority initially objected to the application as the site lies within a defined Development High Risk Area where their records indicated that a coal outcrop runs through the site and a Coal Mining Risk Assessment (CMRA) had not been submitted. Following the receipt of a CMRA the Coal Authority now advise that the content and conclusions of the CMRA are sufficient for planning purposes and demonstrates that the application site is, or can be made, safe and stable for the proposed development. The Coal Authority further advise that more detailed considerations of ground conditions and foundations may be required under Building Regulations.

Drainage

52. United Utilities have been consulted on the application and do not request a drainage condition, but advise that the site should be drained on a separate system with foul water draining to the public sewer and surface water draining in the most sustainable way. It is, therefore, considered that given the small-scale nature of the proposal, drainage could be satisfactorily dealt with through Building Regulations.

Community Infrastructure Levy

53. 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. CIL Liability is not calculated at outline application stage but would be CIL liable at final Reserved Matters stage and subject to the CIL Charge for Apartments in the schedule.

CONCLUSION

54. The application site is situated within a sustainable location within Chorley which is an area where growth and investment is focused under policy 1 of the adopted Core Strategy. The existing site currently makes a negative contribution to the streetscene and to the setting of the adjacent listed buildings and it is considered that the redevelopment of the site with detailed design at reserved matters stage would secure betterment in this respect. Acceptable amenity standards would also be secured at reserved matters stage. The proposed development would not be harmful to nature conservation interests, nor would it be detrimental to highways safety. 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

Ref: 11/00530/OUT **Decision:** PEROPP **Decision Date:** 18 October 2011
Description: Demolition of part of garage building to enable formation of a car parking area and change of use of the remaining parts of building (2 storey) to offices

Ref: 14/00474/FUL **Decision:** PERFPP **Decision Date:** 25 September 2014
Description: Change of use of existing storage building to offices incorporating demolition of part of building to provide car parking spaces, alterations to front and rear elevations, two storey side extension, first floor side extension and reduction in height of wall to western boundary

Suggested conditions

1. An application for approval of the reserved matters, namely layout, scale, appearance and landscaping of the site, must be made to the Council before the expiration of three years from the date of this permission and the development hereby permitted must be begun two years from the date of approval of the last of the reserved matters to be approved.

Reason: This condition is required to be imposed by the provisions of Article 3 (1) of the Town and Country Planning (General Development Procedure) Order 1995 and Section 92 of the Town and Country Planning Act 1990 as amended 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 and Existing Site Layout	20/124/I01	8 September 2021

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

3. The development hereby permitted shall be limited to a maximum of two storeys in height.

Reason: To ensure that the scale of the development is not harmful to the setting of the adjacent listed building and obtainable views of the heritage asset.

4. No demolition, works to trees, shrubs or hedgerows shall occur between the 1st March and 31st August in any year unless a detailed bird nest survey by a suitably experienced ecologist has been carried out immediately prior to clearance and that appropriate measures put in place to protect nesting bird interests on site.

Reason: All British birds nests and eggs (with certain limited exceptions) are protected by Section 1 of the Wildlife & Countryside Act 1981 (as amended).

5. Either as part of an application(s) for reserved matters or prior to the commencement of the development hereby permitted, a biodiversity mitigation and enhancement plan shall be submitted to and approved in writing by the Local Planning Authority. This shall include, as a minimum, provision of house sparrow terraces on the new build. The approved measures shall be fully implemented prior to occupation of the development and permanently retained thereafter.

Reason: In the interests of nature conservation and to secure biodiversity enhancements. House sparrows are UK Biodiversity Priority Species and are present in the locality.

6. An application for reserved matters shall be accompanied by an updated bat survey, including any mitigation measures.

Reason: To ensure that the bat surveys are up to date.

7. Due to the former site use and the proposed sensitive end-use (residential), the development hereby permitted shall not commence until the applicant has submitted to and had approved in writing by the Local Planning Authority a report to identify any potential sources of contamination on the site and where appropriate, necessary remediation measures.

The report shall include an initial desk study, site walkover and risk assessment. If the initial study identifies the potential for contamination to exist on site, the scope of a further study and site investigation shall then be agreed in writing with Local Planning Authority and thereafter undertaken and shall include details of the necessary remediation measures.

Thereafter, the development shall only be carried out in full accordance with the approved remediation proposals.

Reason: To protect the environment and prevent harm to human health by ensuring that the land is remediated to an appropriate standard for the proposed end use.

8. No development shall commence until the applicant, or their agent or successors in title, has secured the implementation of a programme of archaeological work. This must be carried out in accordance with a written scheme of investigation which shall first have been submitted to and agreed in writing by the Local Planning Authority.

Reason: To ensure and safeguard the recording and inspection of matters of archaeological/historical importance associated with the site.