

APPLICATION REPORT – 24/00171/REM

Validation Date: 20 March 2024

Ward: Chorley East

Type of Application: Reserved Matters

Proposal: Reserved matters application pursuant to outline planning permission ref: 20/01130/OUT (Outline planning application including matters of access and scale, for the erection of up to 4no. apartments, following the demolition of the substation. Matters of layout, appearance and landscaping are reserved.) seeking approval of appearance, layout and landscaping.

Location: Land Adjacent 154 Eaves Lane Chorley

Case Officer: Daniel Power

Applicant: Mr Mathew Kimani

Agent: Mr Lindsay Oram

Consultation expiry: 31 May 2024

Decision due by: 12 July 2024

RECOMMENDATION

1. Approve subject to planning conditions.

SITE DESCRIPTION

2. The application site is located within the settlement of Chorley, as defined by the Chorley Local Plan Policies Map and is comprised of a plot of land occupied by a substation with a dedicated vehicular access. The immediate land use is predominantly residential, with the Eaves Lane (South) district local centre just a few metres to the north of the site.

DESCRIPTION OF PROPOSED DEVELOPMENT

3. This application seeks reserved matters consent, pursuant to outline planning permission ref: 20/01130/OUT (Outline planning application including matters of access and scale, for the erection of up to 4no. apartments, following the demolition of the substation. Matters of layout, appearance and landscaping are reserved.) The application seeks approval of the appearance of the dwellings, site layout and proposed landscaping.
4. There is a S106 legal agreement attached to the Outline planning permission to secure a financial contribution towards the provision of public open space.

RELEVANT HISTORY OF THE SITE

Ref: 20/01130/OUT **Decision:** PEROPP **Decision Date:** 24 December 2021

Description: Outline planning application including matters of access and scale, for the erection of up to 4no. apartments, following the demolition of the substation. Matters of layout, appearance and landscaping are reserved.

Ref: 22/00125/FUL **Decision:** PERFPP **Decision Date:** 30 May 2022
Description: Change of use from single dwellinghouse to 2no. self contained flats, demolition of single storey rear outrigger, and erection of two storey side extension

Ref: 02/01083/FUL **Decision:** PERFPP **Decision Date:** 20 December 2002
Description: Erection of 2 one bedroom apartments,

Ref: 20/01130/OUT **Decision:** PEROPP **Decision Date:** 24 December 2021
Description: Outline planning application including matters of access and scale, for the erection of up to 4no. apartments, following the demolition of the substation. Matters of layout, appearance and landscaping are reserved.

REPRESENTATIONS

5. No comments have been received

CONSULTATIONS

Lancashire Highway Services

6. LCC Highways does not have any objections regarding the proposed reserved matters application pursuant to outline planning permission ref: 20/01130/OUT (Outline planning application including matters of access and scale, for the erection of up to 4no. apartments, following the demolition of the substation. Matters of layout, appearance and landscaping are reserved.) seeking approval of appearance, layout and landscape and are of the opinion that the proposed development will not have a significant impact on highway safety, capacity or amenity in the immediate vicinity of the site.
7. The secure and covered cycle storage has been shown and supports social inclusion and promotes sustainable forms of transport. The existing vehicle crossing is requested to be reinstated. The applicant is requested to enter into the appropriate legal agreement of Highways Act 1980. The Highway Authority hereby reserves the right to provide the highway works within the highway associated with this proposal. Provision of the highway works includes design, procurement of the work by contract and supervision of the works. The applicant is advised to contact the Community Services before works begin on site. Further information and advice can be found at www.lancashire.gov.uk and search for vehicle crossings and then fill in the information at "Get a vehicle crossing quotation".
8. There are constraints to the site in regards to the construction of the proposal with waiting restrictions and pedestrian refuge in the highway. The applicant is requested to submit a Construction Traffic Management Plan. This is to protect existing road users and to maintain the operation and safety of the local highway network and to minimise the impact of the construction works on the local highway network.
9. LCC Highways recommends conditions relating to the submission of a Traffic Management Plan and closing the existing site access. The latter requirement is already covered by condition 8 of the outline planning permission and therefore there is no need to duplicate the condition on the reserved matters consent.

Greater Manchester Ecology Unit

Bats

10. The aerial photography indicates that there are several large holes in the roof of the building to be demolished. Being, cold, damp and vulnerable to predators, there is negligible potential for the building to support roosting bats. The Local Records Centre holds no records of foraging or roosting bats in the area. Having assessed the work planned for the building, there is negligible potential for the works to disturb roosting bats and no further surveys are required.

11. Whilst the works to the property have been assessed as having negligible risk for bats, the applicant is reminded that under the Habitat Regulation it is an offence to disturb, harm or kill bats. If a bat and the signs of bats is found all work should cease immediately and a suitably licensed bat worker employed to assess how best to safeguard the bat(s). Natural England should also be informed. We would suggest an informative to this effect be placed on any permission.

Nesting Birds

12. There will need to be one semi mature tree removed to facilitate the development and the building to be demolished could support nesting birds.
13. All British bird nests and eggs (with certain limited exceptions) are protected by Section 1 of the Wildlife & Countryside Act 1981, as amended. Should the hedge and shrub removal in the rear garden be delayed until after the 1st of March, I would recommend the following condition be added.
14. *No tree or shrub clearance shall occur or demolition of the building 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 works and written confirmation provided that no active bird nests are present, which has been agreed in writing by the LPA.*

Biodiversity Enhancement

15. We would expect any such scheme to include measures to enhance biodiversity at the site and to provide a net gain for biodiversity, in line with the requirements of the National Planning Policy Framework. There will be the loss of a small number of tall forbs and a semi-mature tree. We would recommend that opportunities for biodiversity enhancement be incorporated into the new development. These should include:
 - Bat bricks and/or tubes within the new development
 - Bird box (House sparrow terrace)
16. If possible, it would be good to incorporate replacement tree planting within the footprint of the development, but understand that this may not be possible.
17. In conclusion we are satisfied that the application can be forwarded for determination and that any permission if granted is supported by the conditions/informative above.

Parish Council

18. No comments have been received

CIL Officers

19. The development will be CIL liable if approved.

PLANNING CONSIDERATIONS

Principle of the development

20. The acceptability of the principle of the development has been established by the grant of outline planning permission. Issues for consideration relate to the appearance, layout and landscaping of the proposal.

Impact on character and appearance of locality

21. 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). It is considered that the design of the proposed building containing the four apartments on this plot would be appropriate to the character of the area.
22. The application proposes a two-storey detached building, set back from the highway in line with the property to the north. The building would be constructed with brick walls, a grey concrete tile roof and black uPVC windows and a boundary wall to the front of the property. The submitted plans show sections of soft landscaping to the front of the property, with the remainder being hard landscaping with patio areas to the rear. As required by the outline consent, a street scene has been submitted showing the proposed development in context to the existing building to the north. The proposed building would be broadly the same height as the existing development and the proposed site plan shows the proposal would be a similar depth of development.
23. The design, scale and siting of the proposed building would be in keeping with the prevailing character of the area and pattern of development. The proposal would therefore retain the character of the area and would therefore accord with the Framework, Policy 17 Central Lancashire Core Strategy and policy BNE1 Chorley Local Plan. The application is acceptable in this regard.

Impact on neighbouring amenity

24. 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.
25. The application site is located within an established residential area, with properties to the west, north and east. The dwellings to the west are on the opposite side of the road and, given the separation distance, it is not considered the proposal would have an unacceptable impact on the amenity of their occupants. The property to the north has a blank gable wall facing the proposed building and the proposed front and rear elevations of the dwelling would be in-line with that of the existing property, given this, it is not considered the proposal would have a harmful impact to the amenity of the occupants of this dwelling. Finally, the dwellings to the east are angled away from the proposed building and set further south. Given the distance to these properties and the scale of the proposal it is not considered the application would result in significant harm to the occupants' amenity.
26. Overall there would be no harm to any neighbouring property by virtue of overlooking, overshadowing, or overbearing and the proposal accords with Chorley Local Plan policy BNE1 in this respect.

Highways Safety

27. 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.

28. The LCC Highway Services does not have any objections to the reserved matters application. The highways authority commented that the existing vehicle crossing is requested to be reinstated and requests the applicant to enter into the appropriate legal agreement of Highways Act 1980. Given the constraints to the site in regards to the construction of the proposal with waiting restrictions and pedestrian refuge in the highway, it is suggested a condition is imposed requiring a Construction Traffic Management Plan. Subject to the recommended condition it is considered the proposal would not have a significant impact to highway safety and is therefore considered acceptable in this regard.

Ecology

29. The application was considered and assessed by the Council's ecology advisors, the Greater Manchester Ecology Unit (GMEU), who have no objections to the proposal. The officer has suggested conditions and an informative note relating to bats, nesting birds and biodiversity. On the basis of the above and subject to the recommended conditions, it is considered that the proposed development would comply with policy BNE9 of the Chorley Local Plan 2012 – 2026.

Other issues

30. Conditions attached to outline planning permission cover issues such as drainage, ground investigations, the closing of the existing site access, the provision of a cycle storage area and site levels.

CONCLUSION

31. The submitted details of reserved matters are considered to be acceptable and the application is recommended for approval, subject to the recommended 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.

Suggested Conditions

1. The proposed development must be begun not later than two 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 Elevation and Street Scene	296-04	4 March 2024
Proposed First Floor Plan	296-06	4 March 2024
Proposed Ground Floor Plan	296-05	4 March 2024

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

3. The external facing and roofing materials of the dwellings, as detailed in the application form and submitted plans shall be used and no others substituted unless alternatives are first

submitted to and agreed in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.

Reason: In accordance with the submitted details and to ensure that the materials used are visually appropriate to the locality.

4. Prior to the commencement of development a Traffic Management Plan (TMP) shall be submitted to and approved in writing by the Local Planning Authority (in conjunction with the highway authority). The TMP shall include and specify the provisions to be made for the following:-

- o The parking of vehicles of site operatives and visitors;
- o Loading and unloading of plant and materials used in the construction of the development;
- o Storage of such plant and materials;
- o Periods when plant and materials trips should not be made to and from the site (mainly peak hours but the developer to identify times when trips of this nature should not be made)
- o Measures to ensure that construction and delivery vehicles do not impede access to adjoining properties.

Reason:: to protect existing road users and to maintain the operation and safety of the local highway network and to minimise the impact of the construction works on the local highway network.

5. Prior to the commencement of the development, other than demolition and enabling works, details of a scheme of biodiversity enhancements of the site shall be submitted to and approved in writing by the Local Planning Authority, to accord with the submitted Biodiversity Net Gain Assessment. The approved measures shall be carried out prior to the occupation of any of the dwellings.

Reason: To deliver biodiversity enhancement measures.

6. No tree or shrub clearance shall occur or demolition of the building 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 works and written confirmation provided that no active bird nests are present, which has been agreed in writing by the LPA.

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