

## **APPLICATION REPORT – 20/01211/FULMAJ**

**Validation Date: 6 November 2020**

**Ward: Chorley East**

**Type of Application: Major Full Planning**

**Proposal: Erection of 12no. one bedroom apartments (Use Class C3) and associated car parking**

**Location: Brookes Arms Eaves Lane Chorley PR6 0QA**

**Case Officer: Amy Aspinall**

**Applicant: Mr Stephen Warren**

**Agent: Mr Chris Weetman, CW Planning Solutions Ltd**

**Consultation expiry: 14 July 2021**

**Decision due by: 8 October 2021 (Extension of time agreed)**

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### **RECOMMENDATION**

1. It is recommended that planning permission is granted, subject to conditions and a legal agreement to secure financial contributions for open space off-site provision/improvements.

### **SITE DESCRIPTION**

2. The application site is located within the settlement boundary of Chorley as defined by the Chorley Local Plan 2012 – 2026. It comprises a vacant plot of land located at the junction of Brooke Street and Eaves Lane and was formerly the site of the Brookes Arms public house. The surrounding land use is predominantly residential with local conveniences.

### **DESCRIPTION OF PROPOSED DEVELOPMENT**

3. The application seeks planning permission for the erection a two storey block of apartments comprising of 12no. one bedroom apartments (Use Class C3), including access from Eaves Lane via The Brookes, and an associated car park.

4. Since the application was originally submitted the scheme has been amended to reduce the overall scale and height of the building and there has been a reduction in parking provision from 12no. spaces to 8no. spaces.

### **REPRESENTATIONS**

5. A conditional objection has been received that raises concerns with the width of the footpath at the top of Brooke Street and comments that the proposal is a major opportunity to improve pedestrian safety at the junction.

6. Comment is also made the signage on the south side at the top of Brooke Street is very poor and in the wrong place and needs addressing; and that although Brooke Street has a weight restriction of 7.5T, this is ignored on a daily basis by large wagons and buses that are not in use.

7. The resident does, however, comment that overall this is a good scheme.

8. In addition, 1no. representation has been received from the occupier of 159 Brooke Street citing the following grounds of objection:

- Number 159 Brooke Street was subject to major land shake from heavy plant during the demolition of the Brookes Arms pub, resulting in cracks and loss of pointing. We assume more heavy plant on site will impact on our property and its foundations.
- Erection of three storeys on already elevated land and the extent of the extension past the boundary of our rear elevations will significantly reduce light to our gardens. It will also impact on our privacy, some of the windows will be directly overseeing our land.
- The proposal to re-instate trees to the side along our boundary walls will impact on the construction of our stone wall. The original trees were removed by the former publican as they were dangerous and their roots were causing our wall to fall over.
- We are disappointed that whilst the plans are available to view online, we are unable to visit the Council offices to view these in person. We do not think the residents of the area are being given enough opportunity to pass comment, object or support these proposals as the current coronavirus restrictions make it impossible to meet and discuss these plans as a community, and we have been made aware of many residents who do not have access to or who do not feel comfortable making comments online. Whilst it has been possible to speak to Amy Aspinall, our only route for commenting, objecting or supporting is to register online and this seems particularly unfair that these proposals have been put forward during these restrictive times. Not all parties are able to voice their opinion

## **CONSULTATIONS**

9. Lancashire County Council Highway Services: Have no objection to the revised scheme and recommend conditions.

10. Regulatory Services - Environmental Health: Have raised no objections and recommend that the applicant takes into account the guidance contained within the Chorley Council document "Code of Practice for Construction and Demolition" which covers operating hours, noise and vibration control and dust and air pollution issues.

11. United Utilities: Have no objection and recommend drainage conditions.

12. Lead Local Flood Authority: No comments have been received.

13. Lancashire County Council (Education): Advise that an education contribution is not required.

14. CIL Officers: Comment that the proposed development would be CIL Liable and subject to the Council's CIL Charge for Apartments as listed in Chorley Council's CIL Charging Schedule.

## **PLANNING CONSIDERATIONS**

### Principle of development

15. Policy 1 of the Central Lancashire Core Strategy 2012 seeks to focus growth and investment on well located brownfield sites in a number of areas including the Key Service Centre of Chorley.

16. Policy V2 (Settlement Areas) of the Chorley Local Plan 2012 – 2026 states that 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 planning considerations and the other Policies and Proposals within this Plan.

17. The principle of the development is, therefore, acceptable subject to other considerations set out in this report.

### Impact on the character and appearance of the area

18. 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.

19. During the course of the application revised plans have been received due to officer concerns in relation to the originally proposed scale and height of the building. The scheme now presents a two storey development, as opposed to three storeys, and is now more in-keeping in height with surrounding development. The appearance of the building has also been improved, with more visual interest to Eaves Lane, which provides an active frontage to both streetscenes of Eaves Lane and Brooke Street.

20. The proposed layout provides the built form to the frontage of the site, reflecting the surrounding development around the junction of Brooke Street / Eaves Lane / Cowling Brow; with car parking being focussed to the north of the site off an existing access. The 'L-shape' of the building provides an open space to the rear of the site, and an opportunity for soft landscaping to be incorporated into the development.

21. The site is relatively unsightly, and it is considered that the proposed development would result in an overall enhancement of the site and would make a positive contribution to the streetscene. Landscaping details and materials would be secured by way of condition in the interests of the appearance of the development in the locality.

22. It is considered that the proposal is acceptable in design terms and accords with policy BNE1 of the Chorley Local Plan 2012 - 2026.

### Impact on neighbouring amenity

23. 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.

24. The proposed building would occupy a dual position at the junction of Brooke Street and Eaves Lane. To the opposite side of Brooke Street are residential properties which face the site. A separation distance of approximately 15 metres would be achieved between habitable windows. In respect of those residential properties to the opposite side of Eaves Lane, separation distances of approximately 17 metres would be achieved. Whilst this is below the Council's current standards, the interface distances in this area are generally low given that it is a high-density built-up area and not, therefore, an unusual situation. The outlook from these existing properties would clearly change from the current situation, which is a vacant plot, however it is not considered that the proposed building would appear as a visually intrusive or overbearing form of development.

25. On other elevations of the building where habitable windows are proposed at first floor, they would achieve a separation distance in excess of 21 metres to directly facing windows of no.1 The Brookes; or they would face the side elevation of no.161 Brooke Street which has no habitable windows. Accordingly, there would be no adverse direct overlooking or loss of privacy issues to neighbours.

26. The plot is currently vacant and, therefore, the introduction of a two storey development of this scale would result in a change to the amount of sunlight the neighbouring properties receive

at various times of the day, however, given the separation distances achieved and the layout of the proposed development, it is not considered that this would be an unacceptable adverse impact.

27. The proposed development incorporates a private amenity area to the rear of the site for future occupiers to enjoy and this is a positive aspect of the apartment scheme.

28. The proposed car park would be sited to the north of the site and accessed off Eaves Lane via The Brookes. It would be adjacent to the side elevation of no.1 The Brookes and with 5no. parking spaces positioned along this boundary. This would increase the level of activity in this location with the comings and goings of vehicles, however, it is a residential development in a residential area and is not of a significant scale to cause detrimental impacts of noise and disturbance to this adjacent property or other surrounding residences. In land use terms the proposal would be a compatible form of development with neighbouring residential properties.

#### Highway safety

29. 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.

30. During the course of the application, revised plans have been received which incorporate amendments to the proposed scheme. This includes a reduction in parking provision from the 12no. spaces originally proposed to 8no. spaces, in order to facilitate design and layout changes to the building. This is an under-provision of car parking by 4no. spaces based on current standards, however, the site is situated in a highly accessible location with easy access to amenities and sustainable transport options. Lancashire County Council Highway Services have no objection to this under provision but do advise that cycle parking provision is required due to this car parking reduction. This could be secured by way of condition in order to encourage the use of sustainable transport modes other than the car. It is considered that the parking provision is reasonably justified given the sustainable location of the site and that this has enabled key design changes to be made to the proposal which is a clear benefit.

31. The existing access off Eaves Lane via The Brookes would be utilised to serve the proposed development and LCC Highway Services raise no objection to the amended scheme. A resident has made a representation regarding improvements to the width of the footpath at Brooke Street and the revised scheme does demonstrate that width of the footway around the south easterly corner of the site has been increased. Other comments made in relation to road signage and heavy vehicles using the road are a matter for the Local Highway Authority and outside the scope of this planning application.

32. Lancashire County Council Highway Services raise no objection to the application, and it is not considered that the proposed development would adversely affect highways safety.

#### 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. Amenity greenspace: There is currently a deficit of provision in Chorley East and, therefore, a contribution towards new provision in the ward is required from this development. Given the nature of the site and the size of the amenity space required, it is considered that improvements/maintenance towards other sites is more appropriate than on-site provision. The contribution required is £8,400.

35. Provision for children/young people: There is currently neither a surplus nor deficit of provision in Chorley East in relation to this standard and the site is within the accessibility catchment (800m) of an area of provision for children/young people. A contribution towards new provision in the ward is, therefore, not required from this development. However, there are areas of provision for children/young people within the accessibility catchment that are identified as being low quality and/or low value in the Open Space Study (sites 1330.1 Tatton Recreation Ground Playground, 1330.2 Tatton Recreation Ground Play Area and 1544 Fell View Playground). A contribution towards improvements to these sites is, therefore required, from this development. The amount required is £1,608.

36. Parks and Gardens: There is no requirement to provide a new park or garden on-site within this development. There are no parks/gardens within the accessibility catchment (1,000m) of this site identified as being low quality and/or low value in the Open Space Study therefore a contribution towards improving existing provision is not required.

37. Natural and Semi-Natural Greenspace: There is no requirement to provide new natural/semi natural greenspace on-site within this development. The site is within the accessibility catchment (800m) of areas of natural/semi-natural greenspace that are identified as being low quality and/or low value in the Open Space Study (site 2036 Amber Drive Woodland), a contribution towards improving these sites is, therefore, required. The amount required is £6,684.

38. Allotments: There is no requirement to provide allotment provision on site within this development, however, the site is within the accessibility catchment (10 minutes' drive time) of a proposed new allotment site at Harrison Road, Adlington (HW5.3). A contribution towards new allotment provision is therefore required from this development. The amount required is £180.

39. Playing Pitches: A Playing Pitch Strategy was published in June 2012 which identifies a Borough wide deficit of playing pitches but states that the majority of this deficit can be met by improving existing pitches. A financial contribution towards the improvement of existing playing pitches is, therefore, required from this development. The Playing Pitch Strategy includes an Action Plan which identifies sites that need improvements. The amount required is £19,188.

40. The contributions would be secure by way of a legal agreement.

#### Drainage

41. United Utilities raise no objection but recommend drainage conditions.

#### Community Infrastructure Levy

42. 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 CIL Liable and subject to the Council's CIL Charge for Apartments as listed in Chorley Council's CIL Charging Schedule.

#### Other matters

43. Trees – The neighbour objection raises concerns in relation to the location of the proposed tree planting and impact on the construction of the stone wall as trees have previously been removed as they were dangerous and the roots were causing the wall to fall over. A landscaping scheme would be secured by condition in any event and the location of the trees could be addressed at this stage.

44. Consultation during the covid restrictions - This is a matter which is outside of the control of the Local Planning Authority and was the result of a global pandemic.

## **CONCLUSION**

45. The proposal has been amended since the application was originally submitted and it is now considered to be acceptable in design terms and would not be harmful to the streetscene. It would not be detrimental to highway safety, nor would it adversely affect the amenity afforded to neighbouring residential properties. In order to comply with policy HS4 of the Chorley Local Plan 2012 -2026 a financial contribution is required, and this would be secured by way of a legal agreement. The proposed development accords with the relevant policies of the Development Plan and the application is recommended for approval, subject to conditions.

### Suggested conditions

46. To follow.

**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**

There is no recent relevant planning history.