

**Application Number** 07/2019/7353/FUL

**Address** Land to rear 328 Chapel Lane, New Longton

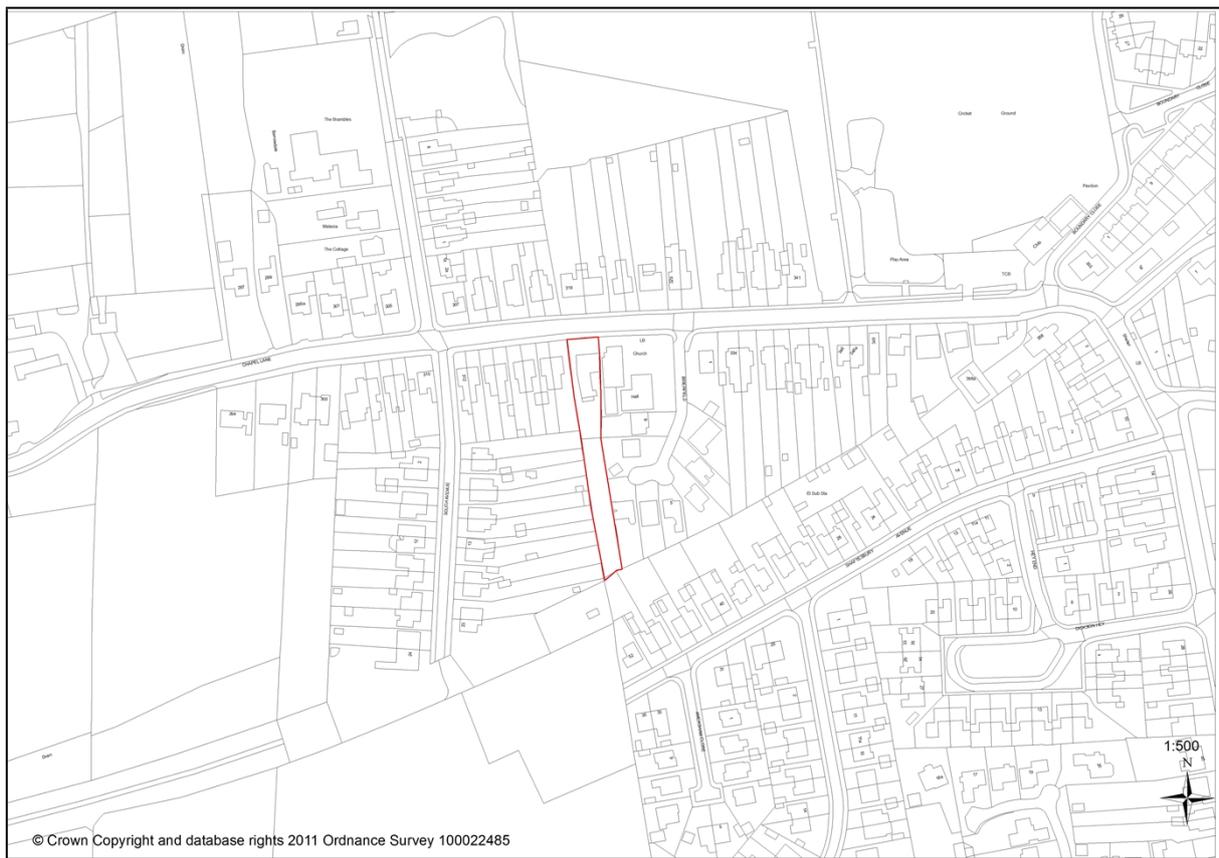
**Applicant** Mr C Kelly

**Agent** Mr N Robinson  
Planning Problems Solved  
19 Egerton Road  
Ashton PR2 1AJ

**Development** Erection of 1 no: detached house with ancillary works.

**Officer Recommendation** **Approval with conditions**

Date application valid 08.08.19  
Target Determination Date 03.10.19  
Extension of Time None



## **1. Introduction**

1.1. The application is brought before Committee as the applicants agent is related to a serving Council officer.

## **2. Report Summary**

2.1. The application refers to a semi-detached property in mixed commercial and residential use. Parking is provided to the front and rear, and a deep strip of land lies to the south; this is the development site. Residential properties bound the site on all sides.

2.2. No: 328 sits within New Longton Local Centre to which Policy E5 (Local Centres) of the Local Plan refers. The development site to the rear is designated under Policy B1 (Existing Built Up Area).

2.3. The application proposes erection of a single dwelling with ancillary works, and realignment of the existing car park to provide parking and service space for the existing building.

2.4. At the time of writing this report two letters of representation have been received. Late representation will be reported verbally at Committee. Comments raised by statutory consultees have been dealt with either by amendments to the scheme or by condition

**2.5.** In policy and spatial separation terms the proposal is considered compliant, and having regard to the following commentary, it is recommended that the application should be **approved subject to the imposition of conditions**

## **3. Application Site and Surrounding Area**

3.1. The application refers to a semi-detached property with a community café on the ground floor, and two flats at first and ground floor. A small forecourt is present at the front of the property with access along the western side into a small car park at the rear. Beyond this is a narrow strip of land (approx. 10m wide x 90m deep) – the subject of this proposal.

3.2. Adjacent to the side access in the west are the side elevation of 326 Chapel Lane and rear elevations/gardens of properties addressed onto South Avenue. Along the eastern site boundary are the rear gardens of 7-9 Brierfield and the rear of the Methodist Church Hall. To the rear are the rear gardens of 48-52 Shaftesbury Avenue

3.3. No: 328 sits within New Longton Local Centre to which Policy E5 (Local Centres) of the Local Plan refers, but the development site to the rear is designated under Policy B1 (Existing Built Up Area).

## **4. Site Context / Planning History**

4.1. There are seven planning applications on the history of this site.

- 07/1998/0509 – Single storey rear extension to post office, and formation of car park to rear. Approved September 1998
- 07/2001/0764 – Pre-fab garage for use as cycle store
- 07/2006/0256/OUT - Outline application for conversion of existing post office to house and erection of 1 no. detached bungalow and 1 no. detached house to rear with associated access roads and garages - (amended scheme). Approved May 2006
- 07/2007/0486/FUL – Change of use of post office to hostel to accommodate workers. Erection of dormer to rear. Refused July 2007

- 07/2007/0996/FUL – Conversion of former post office and sorting rooms to 2 ground floor flats. Approved January 2008
- 07/2009/0086/FUL – Change of use from A1 post office to mixed A1 gift shop/A3 community café. Approved April 2009
- 07/2009/0160/REM - Reserved matters application for conversion of existing post office to house and erection of 1 No detached bungalow and 1 No detached house to rear with associated access roads and garages. Approved May 2009 (as amended 07/2011/0285/NMA)

## **5. Proposal**

5.1. The approved, but unimplemented scheme was for a detached bungalow with separate garage to the rear of no: 328, and detached two storey, five bed roomed dwelling beyond, immediately adjacent no: 7 Brierfield.

5.2. This application proposes erection of a two storey, five bed roomed dwelling only adjacent to 7 Brierfield. Living accommodation would also be introduced into the roof space. The property would 7.2m wide x 14.5m deep – of which 8.4m would be two storey, with a maximum pitched roof measurement of 8.5m and eaves to 5m. A single storey, mono pitch roofed rear section would have a roof height of 3.5m, whilst a single storey, projecting garage at the front would be 4m high.

5.3. On the eastern side facing no: 7 Brierfield would be an obscurely glazed landing window, with pedestrian door and utility window at ground floor. Velux windows would be included in the rear roof plane. On the western side would be a two storey 'arrow slit' style, landing window

5.4. Also proposed is rearrangement of existing car parking space at the rear of the existing property to allocate 7 parking spaces with 1 no: service space for existing commercial and residential premises. Private parking for the proposed dwelling is identified to the front of the property and would be secured by an electric sliding gate and 1.8m high, brick wall to the south of proposed parking for no: 328. Waste storage and amenity space have also been shown on proposal drawings.

## **6. Summary of Supporting Documents**

6.1. The application is accompanied by the following:

- Landscaping Scheme
- Tree Survey (Roland Jones/West Lancs: May 2019)
- Planning Statement (Nigel Robinson)

### **Proposal Drawings**

- Existing Site layout (NR/JC/Existing: July 2019)
- Existing Site Layout (TRI-2515-02: TriCAD)
- Existing Site Layout/Topography (TRI-2515-01: TriCAD)
- Proposed site layout (NR/JC/Proposed: July 2019)
- Proposed elevations (Mike Palmer Plan 1 and 2: 10.7.19)

## **7. Representations**

### **7.1. Summary of Publicity**

7.1.1. A site notice has been posted, and 27 neighbouring properties consulted. Ward Councillors Mr and Mrs Smith have also been notified

## 7.2. Letters of Objection or Support

7.2.1. At the time of writing this report two letters of representation have been received. One resident does not object to the proposal, but has concerns that traffic management at the front of the existing property and relating to existing use of Chapel Lane have not been considered. The proposal includes changes to existing parking space which have been assessed as acceptable by LCC as the Highways Authority. The application process however is not the forum through which existing unrelated problems may be fixed.

7.2.2. A second resident seeks clarification as to the relationship of the proposal with his own property. Drawings do not include measurements, but are scaleable. This information has been passed to the respondent.

## 8. Summary of Responses

8.1. **South Ribble Arborist** – the applicants tree survey (West Lancs: May 2019) finds no notable trees or hedges on site, Species present are either in poor condition or have been badly pruned and there are no Tree Preservation Orders within or surrounding the site. The Councils Arborist concurs with this stance subject to development in line with the report.

8.2. **Lancashire County Council Highways** have no objection to the proposal and are of the opinion that proposals should have a negligible impact on highways safety and capacity. Proposed access and parking layout for both new dwelling and existing business are acceptable.

8.3. **Environmental Health** recommend conditions with regards to contaminated land, construction management, hours of construction and electric vehicle charging point

## 9. Material Considerations

### 9.1. Development Site Policy

9.1.1. No: 328 sits within New Longton Local Centre whilst the development site to the rear is designated under Policy B1 (Existing Built Up Area).

9.1.2. Policy B1 allows for redevelopment in allocated areas provided that proposals would comply with local plan requirements relating to access, parking and servicing; would be in keeping with the character and appearance of the area, and would not adversely affect the amenity of nearby residents

9.1.3. Policy E5 seeks to protect and enhance the retail offer in allocated retail centres to maintain the vitality and viability of that centre.

### 9.2. Additional Policy Background

Additional policy of marked relevance to this proposal is as follows:

#### 9.2.1. *National Planning Policy Framework (2019)*

9.2.2. The NPPF at Chapter 2 (Achieving Sustainable Development) states that '*at the heart of the framework is a presumption in favour of sustainable development*'. The NPPF supports sustainable economic growth to deliver, amongst other things, homes, and given the sites location it is the Officer's view that the site is especially sustainable and that the development accords with the overall principles of the NPPF; in particular:

9.2.3. Chapter 5: Delivering a Sufficient Supply of Homes - to support the Government's objective of significantly boosting the supply of homes, it is important that a sufficient amount

and variety of land can come forward where it is needed, and that land with permission is developed without unnecessary delay.

9.2.4. Chapter 12: Achieving Well Designed Places – the creation of high quality buildings is fundamental to what the planning and development process should achieve; good design being a key aspect of sustainable development.

9.2.5. Chapter 15: Conserving and Enhancing the Natural Environment – when determining planning applications, Local Planning Authorities should aim to conserve and enhance biodiversity as reflected by Core Strategy Policy 22

#### *9.2.6. Central Lancashire Core Strategy*

9.2.7. Policy MP: states that Councils will take a proactive approach which reflects the NPPF's presumption in favour of sustainable development, and that applications which accord with the policies of the Local Plan will be approved without delay unless material considerations indicate otherwise.

9.2.8. Policy 1: Locating Growth notes that to promote vibrant local communities and support services, an appropriate scale of growth and investment will be encouraged in identified Local Service Centres, providing it is in keeping with their local character and setting

9.2.9. Policies 4: Housing Delivery and 5: Housing Density provide for, and manage the delivery of new housing, of a density and design which are in keeping with, and will have no detrimental impact on the amenity, character, appearance, distinctiveness and environmental quality of the area

9.2.10. Policies 6: Housing Quality and 27: Sustainable Resources and New Development both aim to improve the quality of housing by facilitating higher standards of construction, greater accessibility and ensuring that sustainable resources are incorporated into new development.

9.2.11. Policy 17: Design of New Buildings requires new development to take account of the character and appearance of the local area.

9.2.12. Policy 22: Biodiversity & Geodiversity aims to conserve, protect and seek opportunities to enhance and manage the biological and geological assets of the area

#### *9.2.13. South Ribble Local Plan*

9.2.14. In addition to Local Plan policies B1 and E5 (above), the following are also pertinent:

9.2.15. Policy A1: Developer Contributions – new development is expected to contribute towards mitigation of impact upon infrastructure, services and the environment, by way of Section 106 agreement and/or CIL contributions.

9.2.16. Policy F1: Parking Standards - all development proposals must provide car parking and servicing space in accordance with parking standards adopted by the Council.

9.2.17. Policy G17: Design Criteria for New Development considers design in general terms, and impact of the development upon highways safety, the extended locale and the natural environment.

9.2.18. Chapter J: Tackling Climate Change looks to reduce energy use and carbon dioxide emissions in new developments; encouraging the use of renewable energy sources.

9.2.19. South Ribble Residential Design SPD discusses design in very specific terms. Whilst more attuned to residential extensions this document is also used to assist with the design of new build residential development and with regards to separation with properties beyond the site bounds.

9.3. Other Material Considerations

**9.3.1. Character and Appearance, and Impact Upon Neighbouring Properties**

9.3.1.1. When assessing the scheme against the immediate locality, proposed design, siting and layout are fairly innocuous; respecting the relatively traditional appearance of properties spanning a number of eras. Proposed garden space is similar to that of neighbouring properties and parking provision accords with adopted standards. Although a stand-alone, secured property, if viewed as a whole with the adjacent Brierfield scheme (constructed 1980), the proposed property would effectively complete the 'curve' of that cul-de-sac.

9.3.1.2. In terms of spatial separation, the proposal would be 47m from the closest part of the rear of 328 Chapel Lane, 23-25m from the boundary with properties at the rear and around 60m from the properties themselves. The two storey element sits alongside the two storey, blank gable of no: 7 Brierfield and a minimum of 25m angled relationship with no: 8 Brierfield. Properties on South Avenue would be more than 55m away. The property will not overlook, or be overlooked by neighbouring dwellings, and undue impact as a result of this development is considered unlikely. A condition to require boundary treatment installation prior to first occupation however is considered prudent.

**10. Conclusion**

**10.1.** This proposal seeks permission to erect one new dwelling and to reconfigure parking areas at 328 Chapel Lane, New Longton. The proposal updates an earlier permission which was not implemented but granted approval for two dwellings. In policy and spatial separation terms the proposal is considered compliant, and having regard to the comments of statutory bodies and the above commentary, it is recommended that the application should be **approved subject to the imposition of conditions**

**RECOMMENDATION:**

Approval with Conditions.

**RECOMMENDED CONDITIONS:**

1. The development hereby permitted must be begun not later than the expiration of three years beginning with the date of this permission.  
REASON: Required to be imposed pursuant to Section 91 of the Town and Country Planning Act 1990.
  
2. No work shall be commenced until satisfactory details of the colour and texture of the facing and roofing materials to be used have been submitted to and approved by the Local Planning Authority.  
REASON: To ensure the satisfactory detailed appearance of the development in accordance with Policy 17 in the Central Lancashire Core Strategy and Policy G17 in the South Ribble Local Plan 2012-2026

3. The development hereby permitted shall be carried out in accordance with the following approved plans and suite of documents:
  - o Landscaping Scheme
  - o Tree Survey (Roland Jones/West Lancs: May 2019)
  - o Planning Statement (Nigel Robinson)
 Proposal Drawings
  - o Existing Site layout (NR/JC/Existing: July 2019)
  - o Existing Site Layout (TRI-2515-02: TriCAD)
  - o Existing Site Layout/Topography (TRI-2515-01: TriCAD)
  - o Proposed site layout (NR/JC/Proposed: July 2019)
  - o Proposed elevations (Mike Palmer Plan 1 and 2: 10.7.19)
 REASON: For the avoidance of doubt and to ensure a satisfactory standard of development in accordance with Policy 17 of the Central Lancashire Core Strategy and Local Plan 2012-2026 Policy G17
  
4. If the presence of bats, barn owls, great crested newts or other protected species is detected or suspected on the development site at any stage before or during development or site preparation, works must not continue until Natural England has been contacted regarding the need for a licence.  
 REASON: To ensure that adequate provision is made for these protected species in accordance with Policy 22 in the Central Lancashire Core Strategy and Policy G16 in the South Ribble Local Plan 2012-2026
  
5. No tree felling, clearance works, demolition work or other works that may affect nesting birds shall take place between March and August inclusive, unless the absence of nesting birds has been confirmed by surveys or inspections.  
 REASON: To protect habitats of wildlife, in accordance with Policy 22 in the Central Lancashire Core Strategy
  
6. The screen fencing/walling shown on the approved site layout plan Dwg No NR/JC/Proposed shall be erected prior to the first occupation of buildings or the commencement of the use and retained thereafter.  
 REASON: To ensure the provision and retention of adequate screening in the interest of amenity and to accord with Policy 17 of the Central Lancashire Core Strategy and Policy G17 in the South Ribble Local Plan 2012-2026
  
7. The waste storage area shown on the approved site layout plan Dwg No NR/JC/Proposed shall be made available prior to the first occupation of dwelling hereby approved. This shall be used solely for waste storage and for no other use thereafter.  
 REASON: To ensure the provision and retention of adequate screening in the interest of amenity and to accord with Policy 17 of the Central Lancashire Core Strategy and Policy G17 in the South Ribble Local Plan 2012-2026
  
8. Prior to first occupation of the dwelling hereby approved, one Electric Vehicle Recharge point shall be provided with appropriate infrastructure. Once installed this shall be retained and maintained thereafter.  
 REASON: To enable and encourage the use of alternative fuel use for transport purposes in accordance with Policy 3 of the Central Lancashire Core Strategy
  
9. No machinery shall be operated, no process carried out and no deliveries taken at or dispatched from the site during construction, demolition or clearance of the site outside the following times:  
 0800 hrs to 1800 hrs Monday to Friday  
 0800 hrs to 1300 hrs Saturday  
 No activities shall take place on Sundays, Bank or Public Holidays.

REASON: To safeguard the living conditions of nearby residents particularly with regard to the effects of noise in accordance with Policy 17 in the Central Lancashire Core Strategy

10. All new dwellings are required to achieve a minimum Dwelling Emission Rate of 19% above 2013 Building Regulations. Prior to the commencement of the development details shall be submitted to and approved in writing by the Local Planning Authority demonstrating that each dwelling will meet the required Dwelling Emission Rate. The development thereafter shall be completed in accordance with the approved details.  
REASON: Policy 27 of the Central Lancashire Core Strategy requires new dwellings to be built to Code for Sustainable Homes Level 4. However, following the Deregulation Bill 2015 receiving Royal Assent it is no longer possible to set conditions with requirements above a Code Level 4 equivalent. As Policy 27 is an adopted Policy it is still possible to secure energy efficiency reductions as part of new residential schemes in the interests of minimising the environmental impact of the development. This needs to be provided prior to the commencement so it can be assured that the design meets the required dwelling emission rate
11. No dwelling hereby approved shall be occupied until a SAP assessment (Standard Assessment Procedure), or other alternative proof of compliance (which has been previously agreed in writing by the Local Planning Authority) such as an Energy Performance Certificate, has been submitted to and approved in writing by the Local Planning Authority demonstrating that the dwelling has achieved the required Dwelling Emission Rate.  
REASON: Policy 27 of the Central Lancashire Core Strategy requires new dwellings to be built to Code for Sustainable Homes Level 4. However, following the Deregulation Bill 2015 receiving Royal Assent it is no longer possible to set conditions with requirements above a Code Level 4 equivalent. As Policy 27 is an adopted Policy it is still possible to secure energy efficiency reductions as part of new residential schemes in the interests of minimising the environmental impact of the development.
12. For the full period of construction, facilities shall be available on-site for the cleaning of the wheels of vehicles leaving the site. Such equipment shall be used as necessary to prevent mud and stones being carried onto the highway. The roads adjacent to the site shall be mechanically swept as required during the full construction period.  
REASON: In the interests of highway safety and other highway users in accordance with Policy G17 in the South Ribblesdale Local Plan 2012-2026
13. No development shall take place, including any works of demolition, until a Construction Method Statement has been submitted to, and approved in writing by, the local planning authority. The approved Statement shall be adhered to throughout the construction period. The Statement shall provide for:
  - a) parking of vehicles of site operatives and visitors
  - c) loading and unloading of plant and materials
  - d) storage of plant and materials used in constructing the development
  - e) location of site compound
  - f) measures to control the emission of noise during construction
  - g) details of external lighting to be used during construction
  - h) a scheme for recycling/disposing of waste resulting from demolition and construction works
  - i) anticipated delivery timesREASON: To ensure before development commences that construction methods will safeguard the amenities of neighbouring properties in accordance with Policy 17 of the Central Lancashire Core Strategy and Local Plan 2012-2026 Policy G17

14. Prior to the commencement of any works on site a Dust Management Plan shall be submitted, for written approval, to the local planning authority. The Dust Management Plan shall identify all areas of the site and site operations where dust may be generated and further identify control measures to ensure dust and soil does not travel beyond the site boundary. The Dust Management Plan shall consist of a suitable risk assessment in line with national guidance.  
Once agreed the identified control measures shall be implemented and maintained throughout the duration of the site preparation and construction phase of the development.  
Reason: In the interests of the amenity of the nearby residents in accordance with Policy 17 of the Central Lancashire Core Strategy and the NPPF
15. Prior to the commencement of development hereby approved, the following information shall be submitted to the Local Planning Authority (LPA) for approval in writing:
- a) A Desk Study which assesses the risk of the potential for on-site contamination and ground gases and migration of both on & off-site contamination and ground gases in line with BS10172:2011 & A1:2013.
  - b) If the Desk Study identifies potential contamination and ground gases, a detailed Site Investigation shall be carried out to address the nature, degree and distribution of contamination and ground gases and shall include an identification and assessment of the risk to receptors as defined under the Environmental Protection Act 1990, Part 2A, focusing primarily on risks to human health and controlled waters. The investigation shall also address the implications of the health and safety of site workers, of nearby occupied building structures, on services and landscaping schemes and on wider environmental receptors including ecological systems and property.  
The sampling and analytical strategy shall be submitted to and approved in writing by the LPA prior to the start of the site investigation survey.
  - c) A Remediation Statement, detailing the recommendations and remedial measures to be implemented within the site.
  - d) On completion of the development/remedial works, the developer shall submit written confirmation, in the form of a Verification Report, to the LPA, that all works were completed in accordance with the agreed Remediation Statement.  
Any works identified in these reports shall be undertaken when required with all remedial works implemented by the developer prior to occupation of the first and subsequent dwellings.  
REASON: To confirm before work commences on site that proposed development will not cause pollution of ground and surface waters both on and off site, in accordance with Policy 17 in the Central Lancashire Core Strategy and Policy G14 in the South Ribble Local Plan 2012-2026
16. Prior to the commencement of development, a scheme for the provision of foul and surface water drainage shall be submitted to and be approved in writing by the Local Planning Authority. The approved scheme shall be implemented in accordance with the approved plans during the development and shall be thereafter retained and maintained for the duration of the approved use.  
REASON: For the avoidance of doubt and to protect the living conditions of future occupants of the site in accordance with Policy 29 in the Central Lancashire Core Strategy
17. The approved landscaping scheme shall be implemented in the first planting season following completion of the development or first occupation/use, whichever is the soonest, and shall be maintained thereafter for a period of not less than 5 years to the satisfaction of the Local Planning Authority, in compliance with BS 5837 2012 - Trees in Relation to Design, Demolition and Construction - Recommendations. This maintenance shall include the watering, weeding, mulching and adjustment and

removal of stakes and support systems, and shall include the replacement of any tree or shrub which is removed, becomes seriously damaged, seriously diseased or dies by the same species. The replacement tree or shrub must be of similar size to that originally planted.

REASON: In the interests of the amenity of the area in accordance with Policy 17 in the Central Lancashire Core Strategy, Policy G13 and Policy G17 in the South Ribble Local Plan 2012-2026

## **RELEVANT POLICY**

### **NPPF National Planning Policy Framework**

#### **Central Lancashire Core Strategy**

3 Travel

#### **South Ribble Local Plan 2012-2026**

G7 Green Infrastructure Existing Provision  
G12 Green Corridors/Green Wedges  
G13 Trees, Woodlands and Development  
G16 Biodiversity and Nature Conservation  
G17 Design Criteria for New Development

### **Residential Extensions Supplementary Planning Document**

#### **Note:**

Other application Informative

1. Attention is drawn to the condition(s) attached to this planning permission. In order to discharge these conditions an Application for Approval of Details Reserved by Condition form must be submitted, together with details required by each condition imposed. The fee for such an application is £116. The forms can be found on South Ribble Borough Council's website [www.southribble.gov.uk](http://www.southribble.gov.uk)

2. The applicant is advised that under the terms of the Wildlife and Countryside Act 1981, and Countryside and Rights of Way Act 2000, it is an offence to disturb nesting birds, roosting birds or other protected species. The work hereby granted does not override the statutory protection afforded to these species and you are advised to seek expert advice if you suspect that any aspect of the development would disturb any protected species