

APPLICATION REPORT – 20/00164/FUL

Validation Date: 3 August 2020

Ward: Clayton-le-Woods West And Cuerden

Type of Application: Full Planning

Proposal: Erection of 4no. dwelling houses

Location: Land Adjoining Cuerden Residential Park Nell Lane Cuerden

Case Officer: Mr Iain Crossland

Applicant: Mr Anthony Blackwell, Redrow Homes Lancs

Consultation expiry: 17 September 2020

Decision due by: 28 September 2020

RECOMMENDATION

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

SITE DESCRIPTION

2. The application site comprises part of an area of grassland located to the north of Parkhurst Avenue which forms part of a wider residential development site. It lies to the south of Nell Lane and the Cuerden Caravan Park, and forms part of the first phase of development approved as part of planning permission 19/00417/FULMAJ, which was for the erection of 115 dwellings.
3. The site is located on part of a wider mixed use allocation as defined in the Chorley Local Plan 2012 – 2026. The character of the area is one of urban rural fringe, however, the immediate area has become increasingly suburban following its allocation within the local plan and subsequent phased residential development.

DESCRIPTION OF PROPOSED DEVELOPMENT

4. This application seeks planning permission for the erection of 4no. dwellings within the area approved as phase 1 of planning permission 19/00417/FULMAJ, which was for the erection of 115 dwellings. Phase 1 itself comprises 22 dwellings as approved and would be accessed via Parkhurst Avenue to the south. The proposed development would add a further 4 dwellings in place of an area identified for a surface water attenuation tank and wildflower meadow, whilst access would be taken from the previously approved access. The proposed dwellings themselves would be detached properties of a traditional design style.

REPRESENTATIONS

5. One representation has been received citing the following grounds of objection:
 - Impact on highway safety and amenity
 - Ecological impact
 - Flooding and drainage

CONSULTATIONS

6. Clayton le Woods Parish Council: No comments have been received.
7. Cuerden Parish Council: No comments have been received.
8. Lancashire County Council Highway Services: No comments have been received
9. Lead Local Flood Authority: Have confirmed that they have no comments to make
10. Greater Manchester Ecology Unit: Have advised that the only likely ecological issues associated with this development are nesting birds and biodiversity enhancement.

PLANNING CONSIDERATIONS

Principle of the development

11. The National Planning Policy Framework (The Framework) states that housing applications should be considered in the context of the presumption in favour of sustainable development. This means that development proposals that accord with the development plan should be approved without delay.
12. The application site forms part of an allocated mixed use site for housing and employment covered by policies HS1.31 and EP1.15 of the Chorley Local Plan 2012 - 2026. Planning permission for residential development has already been granted in respect of this part of the allocation under planning permission 19/00417/FULMAJ and the proposed development would take place within this previously approved development.
13. Consequently, the acceptability of the principle of residential development on this site has already been established and, therefore, the proposed development is considered to be in compliance with the development plan and is acceptable in principle.

Design and impact on the character of the area

14. The proposed development would form part of the previously approved residential development at the site. It would be visible from the new estate road that would be developed as part of the wider development and would form part of a courtyard of seven dwellings to the north west corner of the phase one site. The southern most plot would be orientated so as to face onto the access road and provide an active street frontage reflecting the street pattern as it continues along the estate road as previously approved.
15. The design of the dwellings themselves would be of a traditional appearance and include red brickwork and white render to reflect the existing local vernacular and character. Features such as gables, bay windows, porches, varying set backs, projecting brick dentil courses and hanging tiles would be applied to provide diversity and interest. It is noted that there is a range of property types forming part of the previously approved development site, and the proposed dwellings would reflect that range and design style.
16. The properties would all have garden areas providing sufficient space for the storage of bins and driveway parking. Three of the properties would also have detached garages situated in inconspicuous positions. The frontages would be open plan contributing to an open and uncluttered streetscene, and boundary treatments have been selected so that prominent side gardens would have screen walls rather than fences enclosing them.
17. The density of the development would be relatively low reflecting the previously approved scheme, whilst the existing boundary hedges would be retained with grassed verges and trees incorporated within the layout. This would help to add character to the development and would help to retain some local character.
18. Overall, the layout and design of the proposed development in addition to the retention of trees and hedges and introduction of new landscaping feature would result in cohesive housing development as part of the previously approved scheme.

Impact on neighbour amenity

19. There are a series of caravans / mobile homes along the northern boundary of the site. The rear gardens to the proposed dwellings at plots 215 and 216 would adjoin the mobile home park. The relative positioning and degree of separation between these proposed dwellings and the mobile homes is such that there would be no unacceptable impact on outlook, light or privacy and the amenity of existing residents of the mobiles homes and future residents of the proposed dwellings would not be harmed.
20. In terms of the interface distances between the proposed properties themselves and previously approved dwellings, these are considered to be acceptable in relation to the Council's guidelines taking into account the level changes across the site. The proposal is, therefore, considered acceptable in terms of the relationship with the existing surrounding properties and between the proposed dwellings.
21. It is recognised that the proposed development would add a further four dwellings as part of the previously approved continuation of Parkhurst Avenue, which would result in some additional traffic movements through the estate road. However, it is not considered that the traffic generated by such a small number of additional dwellings would result in such a weight of traffic so as to cause unacceptable harm to residential amenity through noise and disturbance. In addition, this impact must be considered in the context of what is a wider development allocation, whereby further development is expected in response to the delivery of the Chorley Local Plan 2012 - 2026.

Highway safety

22. The proposed development of four dwellings would form part of a previously approved development that would be accessed via a continuation of Parkhurst Avenue. The access itself is capable of supporting an additional four dwellings without resulting in any material difference to highway safety capacity or amenity in the local vicinity of the site. Each property would have a garage and driveway parking resulting in on-site parking provision for at least three cars per plot, which complies with the parking standards specified in policy ST4 of the Chorley Local Plan 2012 – 2026.

Ecological impacts

23. The proposed development would form part of phase one of a previously approved development comprising 115 dwellings across a much larger site. Phase one comprises 22 dwellings to the south and is currently being progressed by the developer, however, phases two and three have been purchased by an alternative developer and as such those phases of development will not be taken forward as part of planning permission 19/00417/FULMAJ and that part of the site is now subject to a separate application.
24. The application site itself comprises improved grassland, with hedges to the periphery. As such the Council's ecology advisors confirm that the only likely ecological issues associated with this development are nesting birds and biodiversity enhancements. There are minimal ecological impacts associated with this phase of the development site, with tree planting proposed and the hedges be retained. This is confirmed by the proposed landscaping plans.
25. The proposed development of four dwellings as part of the phase one element of planning permission 19/00417/FULMAJ, would take the place of a previously approved wildflower meadow that was required in order to offset the biodiversity impacts of the wider development, with the area of greatest ecological value located to the north of the site in the area of phases two and three. As these phases can no longer be delivered as part of this planning permission there is no longer a requirement for the biodiversity provision that would be provided by the wildflower meadow, and this can no longer be insisted upon. Notwithstanding this the applicant has proposed alternative further wild flower planting within the adjacent Hedgerows development. A strategy already agreed within planning permission 19/00417FULMAJ. As a result the previously identified total requirement of 1109m² of wild flower seeding would still be provided.

Drainage

26. The application site itself has been identified as being at low risk of flooding from all sources. Notwithstanding this, however, it is noted that the proposed dwellings would take the place of a previously approved surface water attenuation tank that was included as part of the surface water drainage strategy for planning permission 19/00417/FULMAJ. This planning permission can no longer be delivered in its entirety now due to the sale of the land to an alternative developer. Only phase one of planning permission 19/00417/FULMAJ can now be implemented, which comprises 22 dwellings and alters the surface water requirements associated with the reduced number of properties and reduced area of land.
27. The drainage strategy that was approved as part of planning permission 19/00417/FULMAJ does not rely entirely on the attenuation tank. It also utilises oversized pipes and private soakaway systems and allows for a phased implementation. Phase one does not rely on the provision of the attenuation tank, and surface water associated with this phase, and the additional four dwellings proposed as part of this application, would discharge to the surface water sewer network serving the Redrow 'Hedgerows' development, approximately 20m south of the site, where a discharge rate of 8 l/s can be accommodated, as confirmed as part of the previous planning permission. Attenuation would, therefore, be provided in the form of oversized pipes and the attenuation tank that was previously approved is no longer considered necessary in order to satisfy the requirements of the Framework and National Planning Practice Guidance (NPPG) for the development of phase one of planning permission 19/00417/FULMAJ.

Sustainability

28. Policy 27 of the Core Strategy requires all new dwellings to be constructed to Level 4 of the Code for Sustainable Homes or Level 6 if they are commenced from 1st January 2016. It also requires sites of five or more dwellings to have either additional building fabric insulation measures or reduce the carbon dioxide emissions of predicted energy use by at least 15% through decentralised, renewable or low carbon energy sources. The 2015 Deregulation Bill received Royal Assent on Thursday 26th March 2015, which effectively removes Code for Sustainable Homes. The Bill does include transitional provisions which include:

"For the specific issue of energy performance, local planning authorities will continue to be able to set and apply policies in their Local Plans which require compliance with energy performance standards that exceed the energy requirements of Building Regulations until commencement of amendments to the Planning and Energy Act 2008 in the Deregulation Bill 2015. This is expected to happen alongside the introduction of zero carbon homes policy in late 2016. The government has stated that, from then, the energy performance requirements in Building Regulations will be set at a level equivalent to the (outgoing) Code for Sustainable Homes Level 4. Until the amendment is commenced, we would expect local planning authorities to take this statement of the government's intention into account in applying existing policies and not set conditions with requirements above a Code Level 4 equivalent."

"Where there is an existing plan policy which references the Code for Sustainable Homes, authorities may continue to apply a requirement for a water efficiency standard equivalent to the new national technical standard, or in the case of energy a standard consistent with the policy set out in the earlier paragraph in this statement, concerning energy performance."

29. Given this change, instead of meeting the code level, the dwellings should achieve a minimum dwelling emission rate of 19% above 2013 Building Regulations in accordance with the above provisions. This can be controlled by a condition.

Public open space

30. 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.

31. 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.
32. 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
33. 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.
34. 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.
35. The necessary requirement will be confirmed on the addendum prior to the Committee.

Community Infrastructure Levy (CIL)

36. 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 a chargeable development and the charge is subject to indexation in accordance with the Council's Charging Schedule.

CONCLUSION

37. It is considered that the proposed development would have no detrimental impact character of the area and accords with the aims of policies within the Framework and Chorley Local Plan 2012 – 2026 that seek to achieve sustainable development. It is also considered that the proposed development would not give rise to undue harm to the amenities of neighbouring residents or highway safety and is recommended for approval subject to conditions.

RELEVANT HISTORY OF THE SITE

Ref: 19/00417/FULMAJ **Decision:** PERFPP **Decision Date:** 6 December 2019
Description: Erection of 115 dwellings on land at Nell Lane, Clayton-le-Woods with access taken from Parkhurst Avenue

Ref: 20/00053/DIS **Decision:** PCO **Decision Date:** Pending
Description: Application to discharge conditions 8 (invasive species method statement), 11 (hard landscaping), 14 (surface water drainage scheme - phase 1), 15 (dwelling emission rate - phase 1), 19 (employment and skills plan), 24 (estate phasing plan - phase 1), 26 (highway management and maintenance - phase 1), 27 (section 38 details - phase 1), 28 (site access - phase 1) attached to planning permission 19/00417/FULMAJ - Erection of 115 dwellings on land at Nell Lane, Clayton-le-Woods with access taken from Parkhurst Avenue

Ref: 20/00151/MNMA

Decision: PEMNMZ **Decision Date:** 12 May 2020

Description: Minor non material amendment to planning permission 19/00417/FULMAJ (Erection of 115 dwellings on land at Nell Lane, Clayton-le-Woods with access taken from Parkhurst Avenue) to change the house type at plot 210 and the handing of plots 192 and 212

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

To follow