

APPLICATION REPORT – 19/01142/FUL

Validation Date: 11 December 2019

Ward: Clayton-le-Woods North

Type of Application: Full Planning

Proposal: Residential development comprising 6no. dwellings including demolition of existing garden outbuildings and garage

Location: Land Adjacent To 715 Preston Road Preston Road Clayton-Le-Woods

Case Officer: Mike Halsall

Applicant: Mrs N Thistlethwaite, Thistle Homes (NW) Ltd

Agent: PGB Architectural Services LTD

Consultation expiry: 9 July 2020

Decision due by: 9 October 2020 (Extension of time agreed)

RECOMMENDATION

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

SITE DESCRIPTION

2. This application site comprises a plot of land located to the side of and associated with 715 Preston Road. The land forms part of the garden to the property and there are several horticultural buildings in situ. The immediate surrounding area is predominantly residential in character but the Green Belt boundary partially overlaps the site boundary to the south west. A bridleway (BW6) is located along part of the site access road.
3. Outline planning permission was granted in 2018, ref. 17/00869/OUT, for two dwellings on the site.

DESCRIPTION OF PROPOSED DEVELOPMENT

4. The application was originally submitted for the erection of 7no. dwellings following the demolition of existing buildings at the site, with one of the dwellings located partially within the Green Belt section of the site. The scheme was subsequently amended following comments from the case officer, tree officer and Lancashire County Council as local highway authority, further details of these comments are provided later in this report.
5. The application now seeks planning permission for the erection of 6no. dwellings, following the demolition of existing buildings, with two groups of three attached dwellings, replicating the built form of the existing adjacent dwellings of nos. 715, 717 and 719 Preston Road.

REPRESENTATIONS

6. Representations have been received from seven individuals, citing the following (summarised) grounds of objection:
 - The development would require access across private land and permission would not be given for this by the landowner

- Noise and disturbance from occupiers of the dwellings
 - Loss of privacy
 - Impacts upon setting of a grade II listed building – Hawksclough Farmhouse, detracting from the historic character of the approach to the farmhouse
 - Increased traffic / congestion
 - Highway safety – A6 junction
 - Overdevelopment / out of character with the area
 - Landscape and visual impacts
 - Conflicts with Council policies on infill/garden development and Green Belt
 - Pedestrian safety down bridleway
 - Parking issues
 - Poor site layout
 - Cumulative impacts with conversion of stables and barn to dwellings adjacent to Hawksclough Farmhouse
 - Surface and foul water drainage
 - Requests for construction management plan to be submitted
 - Queries over lack of provision of parking for the existing dwellings and a bin storage area
7. Neighbours were re-notified in June 2020 upon receipt of the revised drawings, but no further responses have been received.
8. The above issues, where considered to be material planning considerations, are addressed under the Planning Considerations heading later within this report. For the avoidance of doubt, land ownership issues are a civil matter and not something that should be taken into account by the Council in the determination of this planning application.

CONSULTATIONS

9. Lancashire County Council Public Rights of Way: No comments have been received.
10. Environment Agency: No comments have been received.
11. Greater Manchester Ecology Unit: Have advised that planning conditions / informatives be attached to any grant of planning permission to protect Clayton Brook and the Cuerden Valley Park and River Lostock Biological Heritage Site (BHS); provide a landscaping buffer between the BHS and the site; protect nesting birds; and provide biodiversity enhancement measures.
12. Lancashire County Council Highway Services (LCC Highways): Initially responded to raise objections to the scheme and request amendments to the site layout plan in relation to; conflicts with the bridleway; increasing the width of the access road and including footways on either side; provision of a 6m corner radii at the junction of the unadopted access road and Preston Road and improved parking. Revised plans were subsequently submitted to the Council to meet the requirements of LCC Highways. Conditions and informatives have been suggested by LCC Highways to be attached to any grant of planning permission in relation to the future construction, management and maintenance of the vehicular site access.
13. Clayton-le-Woods Parish Council: No comments have been received.
14. Council's Tree Officer: Has no objection to the removal of two of the trees proposed for felling, but requested that T22, a mature poplar, be retained if possible as this has a higher value as a landscape feature. The site layout has been amended following the comments from the tree officer so that T22 is retained as part of the scheme.
15. United Utilities: Recommend conditions in relation to sustainable surface water drainage and the management of foul water.

PLANNING CONSIDERATIONS

Principle of development

16. The majority of the application site is located within Clayton Brook/Clayton Green settlement area as identified in policy V2 of the Chorley Local Plan 2012-2026. This policy sets out a presumption in favour of sustainable development, subject to material planning considerations and other policies and proposals in the plan. However, the Green Belt does overlap the boundary of the site and partially encroaches onto the application site to the south west.
17. The supporting text for policy V2 explains that development proposals within settlement areas may be appropriate for uses such as housing, offices, community facilities or green infrastructure. Proposals will be judged by their compatibility with existing surrounding development and their ability to satisfy material planning criteria. This includes factors such as access, parking, servicing, design and amenity, which includes an assessment of noise, emissions, disturbance because of anti-social hours of operation and traffic generation.
18. Whilst the National Planning Policy Framework (the Framework) and Chorley Local Plan policy V2 set out a presumption in favour of sustainable development, private residential gardens in built up areas are no longer regarded as brownfield land. The Framework allows Local Authorities to set out policies to resist development of residential gardens where the development would cause harm to the character of the area, local amenity or biodiversity balance.
19. Given the status of the site, the application falls to be considered against policy HS3 of the Chorley Local Plan which states that development within private residential gardens not allocated for housing will only be permitted for (a) appropriately designed and located replacement dwellings where there is no more than one for one replacement, (b) the conversion and extension of domestic buildings, and (c) infill development on gardens which is classified as the filling of a small gap in an otherwise built up street frontage which is typically a gap which could be filled by one or possibly two houses of a type in keeping with the character of the street frontage.
20. The site does not specifically comply with either criteria (a) or (b) due to the nature of what is proposed. Additionally, with the location of the application site, off a narrow access road, located beyond the existing end dwelling and adjoining the Green Belt, does not strictly meet the definition of an infill plot with regards to criteria (c).
21. Notwithstanding this, paragraph 5.29 of the reasoned justification to policy HS3 states that when assessing applications for garden sites the Council will also have regard to the relationship of development to the surrounding character in terms of density, siting, layout, massing, scale, design, materials building to plot ratio and landscaping. The reasoned justification also states that the Council will have regard to sustainability issues such as access to public transport, school, businesses and local services and facilities.
22. With regards to the sustainability criteria detailed above, there are factors which weigh in favour of the proposal. Firstly, a large proportion of the site is located in the Clayton Brook/Clayton Green settlement area just off Preston Road, an A road which serves as one of the main routes into Chorley from the north.
23. The site is also within 600m of Clayton Brook Primary School and is within 1km of an Asda superstore, library and Clayton Green Sports centre. There is also a petrol filling station with Spar store on Preston Road approximately 140m away to the south east. In terms of bus stops, there are bus stops on both sides of Preston Road within close proximity to the site. From these bus stops, 5 services operate frequently.
24. On the basis of the above factors, it is considered that the site is in a sustainable location and, therefore, meets with the objectives of criteria (1) of policy HS3 which seeks to

promote sustainable forms of development. This material consideration, therefore, weighs in favour of outline planning permission being granted for the development.

25. Part of the site is located within the Green Belt. Paragraph 145 of the Framework states that the construction of new buildings within the Green Belt should be regarded as inappropriate, except in a number of circumstances. In this instance, the development does not meet any of the exceptions detailed in paragraph 145. The introduction of a new building within the Green Belt is considered to be inappropriate development. The submitted site layout plan has been revised to exclude any built development within the Green Belt. The built development would be entirely within the settlement area and the part of the land included within the Green Belt would not be built upon.
26. In light of the above, the proposed development is considered to be acceptable in principle.

Highway safety

27. As part of the proposed development, the detached garage in front of the site is to be demolished to allow for the existing access road from Preston Road to be realigned and widened within the confines of the applicant's boundary for use to access the site.
28. The existing access road does not currently form part of the adopted highway, except for the first 10m from its junction with Preston Road. It is noted that the site would be accessed via a public bridleway (BW6).
29. The applicant has revised the site layout to meet the requirements of LCC Highways. On this basis, the proposal is considered to be acceptable in terms of parking and highway safety.

Ecology

30. The proposal includes the demolition of the existing horticultural buildings and the site is adjacent to Clayton Brook which also falls within Cuerden Valley Park and River Lostock Biological Heritage Site (BHS). Following a review of the proposal by the council's ecology advisors, GMEU, it is considered that the likelihood of the built structures on the site having the potential to support bat roosting activity is negligible. Subject to conditions, there are no objections to the proposal on ecology matters.

Impact upon heritage assets

31. The site is located in excess of 180m from the grade II listed building of Hawksclough Farm and there is substantial intervening vegetation between the two and an existing housing estate. Any indivisibility is, therefore, unlikely and there would be no harm to the heritage asset or its setting. As such, there would be no conflict with S.66 of the Planning (Listed Buildings and Conservation Areas) Act 1990, the National Planning Policy Framework, policy 16 of the Core Strategy and policy BNE8 of the Chorley Local Plan 2012-2026.

Affordable housing

32. Policy 7 of the Core Strategy relates to affordable housing and this site would require 30% on-site affordable housing. The Central Lancashire Affordable Housing SPD includes guidance on the range of approaches, standards and mechanisms required to deliver a range of affordable housing to meet local needs.
33. However, following publication of the revised National Planning Policy Framework, Local Planning Authorities can no longer seek affordable housing provision on developments in rural areas of less than 10 dwellings unless the site is 0.5ha or greater.
34. The higher threshold was introduced in a Ministerial Statement in 2014 and re-introduced into National Planning Practice Guidance (NPPG) in 2016 following a successful court appeal judgment. Since this time, Chorley Council, as the local planning authority have continued to apply the lower threshold as set out in Core Strategy policy 7 as it was

considered that the borough wide need for affordable housing outweighed the guidance. However, now that the higher threshold is set out in the Framework, rather than the NPPG it is no longer possible to take this approach.

Public open space (POS)

35. Policy HS4 of the Chorley Local Plan 2021-2026 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.
36. 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.
37. 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
38. 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.
39. 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.
40. There is currently a deficit of provision in Clayton-le-Woods-North in relation to this standard, a contribution towards new provision in the ward is, therefore, required from this development. The amount required is £134 per dwelling. However, a financial contribution for off-site provision can only be requested if there is an identified scheme for new provision and at present there are none identified.

Sustainability

41. Policy 27 of the Core Strategy currently requires dwellinghouses to be built to meet Code for Sustainable Homes Level 4 which increases to Level 6 on 1st January 2016. However 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.”

42. As such, there is a requirement for the proposed dwellings to achieve a minimum Dwelling Emission Rate of 19% above 2013 Building Regulations in accordance with the above provisions. This can be controlled by conditions.

Community Infrastructure Levy

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

CONCLUSION

44. There would be no unacceptable detrimental impact on the character and appearance of the area or the amenity of neighbouring occupiers as a result of the proposed development. In addition, the development is located in a sustainable location and would not have an unacceptable impact on highway safety, ecology or any heritage assets. On the basis of the above, it is recommended that outline planning permission be granted.

RELEVANT HISTORY OF THE SITE

Ref: 17/00869/OUT **Decision:** PEROPP **Decision Date:** 5 January 2018
Description: Outline application (all matters reserved, save for access) for the demolition of existing structures and erection of 2 no. detached dwellings

Ref: 87/00525/FUL **Decision:** REFFPP **Decision Date:** 25 August 1987
Description: Change of use to garden centre construction of car park and erection of shed for retail sales

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 three 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
Topographical Survey and Location Plan	002 Rev B	25 June 2020

Proposed Site Plan	001 Rev E	1 September 2020
Plans and Elevations	003 Rev A	25 June 2020

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

3. Prior to their installation, details all external facing and roofing materials (notwithstanding any details shown on previously submitted plan(s) and specification) shall be submitted to and approved in writing by the Local Planning Authority. All works shall be undertaken strictly in accordance with the details as approved.

Reason: To ensure that the materials used are visually appropriate to the locality.

4. No works to trees or shrubs 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 written confirmation provided that no active bird nests are present which has been agreed in writing by the Local Planning Authority.

Reason: Wild birds and their eggs are protected under Part 1 of the Wildlife and Countryside Act 1981, which makes it illegal to kill or injure a bird and destroy its eggs or its nest whilst it is in use of being built.

5. Prior to the commencement of development, a Landscaping and Construction Environmental Management Plan (CEMP) shall be submitted to and approved in writing by the Local Planning Authority. This should:

Identify a biodiversity buffer zone between the site and the adjacent Biological Heritage Site (BHS) with a minimum 5m gap between rear property boundaries and the edge of the BHS
 Demonstrate a net gain in the biodiversity value of the site post development
 Provide full details of habitats to be enhance and habitats to be created including habitat type, area and target condition
 Provide full details of proposed species to be planted or introduced by seed to the site, particularly with regard to the biodiversity buffer zone
 Provide details on the methodology to create and establish the proposed habitats and enhance the existing habitats
 Provide a bird and bat box plan
 Provide details of mechanisms to monitor and remediate if necessary the success of the plan

The works shall be carried out strictly in accordance with the approved details.

Reason: To ensure the scheme promotes habitat enhancement.

6. During the construction period, all trees to be retained shall be protected in accordance with British Standard BS 5837:2012 or any subsequent amendment to the British Standards and the development shall be carried out in strict accordance with the submitted Arboricultural Method Statement and Tree Protection Plan.

Reason: To safeguard the trees to be retained.

7. All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following the occupation of any buildings or the completion of the development, whichever is the sooner, and any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority gives written consent to any variation.

Reason: In the interest of the appearance of the locality.

8. No development shall commence until a surface water drainage scheme has been submitted to and approved in writing by the Local Planning Authority. The drainage scheme must include:

- (i) An investigation of the hierarchy of drainage options in the National Planning Practice Guidance (or any subsequent amendment thereof). This investigation shall include evidence of an assessment of ground conditions and the potential for infiltration of surface water;
- (ii) A restricted rate of discharge of surface water agreed with the local planning authority (if it is agreed that infiltration is discounted by the investigations); and
- (iii) A timetable for its implementation.

The approved scheme shall also be in accordance with the Non-Statutory Technical Standards for Sustainable Drainage Systems (March 2015) or any subsequent replacement national standards.

The development hereby permitted shall be carried out only in accordance with the approved drainage scheme.

Reason: To promote sustainable development, secure proper drainage and to manage the risk of flooding and pollution.

9. Foul and surface water shall be drained on separate systems.

Reason: To secure proper drainage and to manage the risk of flooding and pollution.

10. No development shall be commenced until an Estate Street Phasing and Completion Plan has been submitted to and approved in writing by the Local Planning Authority. The Estate Street Phasing and Completion Plan shall set out the development phases and the standards that estate streets serving each phase of the development will be completed.

Reason: To ensure that the estate streets serving the development are completed and thereafter maintained to an acceptable standard in the interest of residential / highway safety; to ensure a satisfactory appearance to the highways infrastructure serving the development; and to safeguard the visual amenities of the locality and users of the highway.

11. No dwelling or dwellings shall be occupied until the estate street(s) affording access to those dwelling(s) has been completed in accordance with the approved layout in conformity with the Lancashire County Council Specification for Construction of Estate Roads.

Reason: To ensure that the estate streets serving the development are completed and maintained to the approved standard, and are available for use by the occupants, and other users of the development, in the interest of highway safety; to ensure a satisfactory appearance to the highways infrastructure serving the approved development; and to safeguard the visual amenities of the locality and users of the highway.

12. No development shall be commenced until details of the proposed arrangements for future management and maintenance of the proposed streets within the development have been submitted to and approved by the local planning authority. The streets shall thereafter be maintained in accordance with the approved management and maintenance details until such time as an agreement has been entered into under section 38 of the Highways Act 1980 or a private management and maintenance company has been established.

Reason: To ensure that the estate streets serving the development are maintained to an acceptable standard in the interest of residential / highway safety; to ensure a satisfactory appearance to the highways infrastructure serving the development; and to safeguard the visual amenities of the locality and users of the highway.

13. No development shall be commenced until full engineering, drainage, street lighting and constructional details of the streets proposed for adoption have been submitted to and approved in writing by the Local Planning Authority. The development shall, thereafter, be constructed in accordance with the approved details, unless otherwise agreed in writing with the Local Planning Authority.

Reason: In the interest of highway safety; to ensure a satisfactory appearance to the highways infrastructure serving the approved development; and to safeguard the visual amenities of the locality and users of the highway.

14. No part of the development hereby approved shall commence until a scheme for the construction of the site access and the off-site works of highway improvement has been submitted to and approved by the Local Planning Authority in consultation with the Highway Authority.

Reason: In order to satisfy the Local Planning Authority and Highway Authority that the final details of the highway scheme/works are acceptable before work commences on site.

15. No part of the development hereby approved shall be occupied or opened for trading until the approved scheme referred to in Condition 14 has been constructed and completed in accordance with the scheme details.

Reason: In order that the traffic generated by the development does not exacerbate unsatisfactory highway conditions in advance of the completion of the highway scheme/works.

16. Before the use of the site hereby permitted is brought into operation and for the full period of construction, facilities shall be provided within the site by which means the wheels of vehicles may be cleaned before leaving the site.

Reason: To avoid the possibility of the public highway being affected by the deposit of mud and/or loose materials thus creating a potential hazard to road users.

17. Prior to construction, a Construction Management Plan shall be submitted to and approved in writing by the local planning authority. The Plan to include method and details of construction including vehicle routing to the site, construction traffic parking and any proposed temporary closing of roads or streets. No construction traffic or deliveries to enter/exit during traffic peak periods or to wait on the public highway. Such construction plan to be implemented and adhered to during the construction of the development.

Reason: To maintain the operation of local streets and through routes in the area during construction, particularly during peak periods.

18. Prior to their erection, full details of the alignment, height and appearance of all fences and walls to be erected to the site boundaries (notwithstanding any such detail shown on previously submitted plan(s)) shall have been submitted to and approved in writing by the Local Planning Authority. No building shall be occupied or land used pursuant to this permission before all walls and fences have been erected in accordance with the approved details. Fences and walls shall thereafter be retained in accordance with the approved details at all times.

Reason: To ensure a visually satisfactory form of development and to protect the amenities of occupiers of nearby property.

19. All new dwellings are required to achieve a minimum Dwelling Emission Rate of 19% above 2013 Building Regulations.

Reason: Policy 27 of the Adopted 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. However as Policy 27 is an adopted Policy it is still possible to secure energy efficiency reduction as part of new residential schemes in the interests of minimising the environmental impact of the development.

20. 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 Adopted 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. However 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.

21. 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 Adopted 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. However 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.