

APPLICATION REPORT – 20/01080/FUL

Validation Date: 12 October 2020

Ward: Clayton-le-Woods West And Cuerden

Type of Application: Full Planning

Proposal: Erection of four detached dwellings and associated garages

Location: Green Bank House Wigan Road Clayton-Le-Woods Leyland PR25 5SB

Case Officer: Mr Iain Crossland

Applicant: Mr Ray Greenhalgh

Agent: Mr Chris Weetman, CW Planning Solutions Ltd

Consultation expiry: 6 November 2020

Decision due by: 15 January 2021 (extension of time to be agreed)

RECOMMENDATION

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

SITE DESCRIPTION

2. The application site comprises land associated with a previously demolished dwelling, Green Bank House, and is occupied by several former outbuildings. It lies between recent housing developments located to the south and an equestrian centre located to the north. The site forms 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 delivery of residential development.

DESCRIPTION OF PROPOSED DEVELOPMENT

3. This application seeks planning permission for the erection of four detached dwellings and associated garages on land that was previously occupied by Green Bank House. It is proposed that access is via the existing access road, which is an unadopted road and provides direct access to Wigan Road, to the west of the site.

REPRESENTATIONS

4. One representation has been received citing the following grounds of objection:
 - Overdevelopment of the site
 - Impact on amenity through noise and loss of privacy
 - Interference with boundary hedges

CONSULTATIONS

5. Clayton le Woods Parish Council: Have commented that it is hoped that the mitigation/conservation works are completed as proposed.
6. United Utilities: Have no objection subject to conditions.

7. Greater Manchester Ecology Unit: Advise imposition of conditions.
8. Lancashire County Council Highway Services: Comments will be reported on the Addendum.

PLANNING CONSIDERATIONS

Principle of the development

9. 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.
10. The proposed development is located within the settlement of Clayton-le-Woods 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.
11. Core Strategy policy 1 sets out the locations for growth and investment across Central Lancashire. Clayton-le-Woods is identified as an Urban Local Service Centre where some growth and investment will be encouraged to help meet housing and employment needs.
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.
13. The Housing Monitoring Report 2020 and 5-Year Housing Land Supply Report 2020 provides up to date information about this allocation. The site is a mixed housing/employment allocation with an indicative provision of 699 dwellings. As of April 2020, 818 dwellings have planning permission and since the dwellings are being built at a higher density than estimated on the parcels with planning permission, the number of dwellings on this site has exceeded the allocated number of 699. It is also noted that the housing allocation numbers detailed in policy HS1 are indicative and that the housing requirement is a minimum to ensure enough housing is provided through the Local Plan period.
14. The proposed development is 4no. dwellings on 0.56ha of land. If permitted, this would still leave 15ha of the allocation remaining for development of employment uses in line with EP1.15/HS1.31. Notwithstanding this, as the employment is yet to be developed at this allocated site it is important that access to the wider site is not adversely impacted upon by the proposed development.
15. It is considered that in this case, the marginal increase in the level of housing within this allocation cannot fail to comply with the Development Plan given that there is no express limitation upon the number of dwellings as allocated in the site-specific policy and within the wider plan (as is the case with all Development Plans) housing figures are not intended to function as ceilings.
16. Consequently, the development of housing on this site is considered to be in compliance with the development plan and is acceptable in principle.

Design and impact on the character of the area

17. The proposed development would be located to the south of an equestrian centre and to the north of a recent residential housing developments. The site has a narrow frontage onto Wigan Road, which lies to the west.
18. The proposed development would follow a linear pattern, running perpendicular with Wigan Road. The dwelling at plot 1 would have a dual aspect with features of interest facing both Wigan Road to the west and the access road to the south. The dwellings at plots 2 to 4 would also be dual aspect with features of interest facing west towards Wigan Road and south towards the access road. This would ensure that the development has some presence along Wigan Road and on entering the development along the access road. The dwellings themselves comprise two house types of a traditional design style. These incorporate gable

end features, varied ridge heights and would be faced in brick and render. It is noted that there is a range of property types in the area and that the proposed dwellings reflect the scale of existing dwellings and the suburban setting. In particular, this reflects more recent development to the south.

19. The properties would all have garden areas and would provide sufficient space for the storage of bins and driveway parking. The properties would also have attached garages providing parking and storage space. The density of the development would be relatively low, and reflects the evolving suburban character of the area and density of nearby housing estates.
20. Overall, the layout and design of the proposed development would result in a small housing development of individual character. It is, therefore, considered acceptable and appropriate to the context of existing surrounding development and is in accordance with policy 17 of the Core Strategy.

Impact on neighbour amenity

21. The nearest residential dwellings to the application site are located on the recent housing development at Parkhurst Avenue to the south. The dwellings at plots 2, 3 and 4 would all have windows to habitable rooms facing towards existing dwellings at 1 and 11 Parkhurst Avenue to the south. These would all be at least 10m from the boundaries of these properties and would not have any parallel facing windows. As such there would be no unacceptable impact on privacy. Also given the degree of separation and positioning of the proposed dwellings to the north of 1 and 11 Parkhurst Avenue there would be no unacceptable impact on outlook or light.
22. There is a sufficient degree of separation between the proposed development and the existing dwellings on Parkhurst Avenue to ensure that the Council's interface guidelines are met. As such it is considered that the proposal would not result in any unacceptable loss of amenity for existing residents or the future residents within the development.
23. In terms of the interface distances between the proposed properties themselves, these are considered to be acceptable in relation to the Council's guidelines. The proposal is, therefore, considered acceptable in terms of the relationship with the existing surrounding properties and between the proposed dwellings.
24. The proposed development would be accessed from Wigan Road via an existing access road. It is recognised that the proposed development would result in some additional traffic movements through this access road, which lies immediately to the north side of 1 and 11 Parkhurst Avenue. However, it is not considered that the traffic generated by the proposed housing 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

25. The proposed development comprises 4no. detached dwellings with each having more than four bedrooms. In addition to the proposed integrated double garages, the frontage spaces are adequate to enable the required number of parking spaces to be provided in accordance with the local authority parking standards as set out in the Chorley Local Plan 2012-2026, and to allow vehicles to be safely manoeuvred out of the site.
26. The proposed development is to be accessed using a Public Right of Way (PROW-FP-14), which is not shown on the submitted plans as forming part of the applicant's boundary, but serves other farms and properties to the east of the proposed site and provides a through pedestrian/cyclist access to Parkhurst Avenue in the south. While LCC Highways will not object to the use of the PROW to access the site, it should be noted that it is not an adopted access road. The PROW is currently privately maintained, therefore, it is the applicant's responsibility to secure the owner(s) consent to the satisfaction of the Local Planning Authority for the necessary right of access and authorisation for the intended widening of the PROW. The proposed gating of the PROW outside Plot 3 would cause an obstruction to the general public and would be unacceptable even if planning permission were to be granted

as any proposed stopping-up or diversion of the PROW must be subject to a legal Order under an appropriate Act.

27. Wigan Road is subject to 40mph speed limit. This requires standard visibility splays of 2.4m x 120m to be provided in both north and south directions of the PROW. Visibility splays based on the 85th percentile speed of the road will equally be acceptable if the applicant commissions their own speed survey in which case the absolute minimum acceptable splays at this location will be 2.4m x 83.0m. The applicant's splays of 2.0m x 59.0m shown on the submitted plans, however, obviously do not meet this essential highway requirement.
28. At the time of writing the inability to meet the visibility splays expected by LCC in such situations is under discussion between the applicant and LCC, whereby the extent of, and potential for, access improvements are being investigated. The outcome of these negotiations will be updated on the addendum.

Ecology

29. The application is accompanied by two ecological reports undertaken by Tyrer Ecological Consultants Ltd (Preliminary Ecological Appraisal, July 2020 and Dusk Survey Results, July 2020). These have been reviewed by the Council's ecology advisors (Greater Manchester Ecology Unit (GMEU)). GMEU confirm that the survey work appears to have been undertaken following best practice guidelines by suitably qualified ecologists. There are, therefore, no reasons to doubt the findings of the surveys.
30. During the walk over survey a number of priority species were identified on the site including cinnabar moth caterpillar, common toad and most notably purple ramping-fumitory (PRF). PRF is an amber listed species which is nationally scarce. As well as being listed on the UK Priority Species List (NERC 2006), it has been identified as a Lancashire Key Species.
31. Policy BNE9: Biodiversity and Nature Conservation of the Chorley Local Plan 2012-2026 states: Priority will be given to 'Protecting, safeguarding and enhancing habitats for European, nationally and locally important species' and that development must adhere to... 'the production of a net gain in biodiversity where possible by designing in wildlife and by ensuring that any adverse impacts are avoided or...appropriately mitigated/compensated for'
32. The ecology report has identified that the proposals would mean that this species would be lost from the site, and has, therefore, provided a mitigation strategy involving the translocation of spoil from currently occupied areas into raised beds to be developed in the gardens of plots 2, 3 and 4. GMEU confirm that this is acceptable subject to being undertaken in line with the proposals set out in the proposed strategy.
33. The buildings on the site were subject to an internal and external inspection to search for bats, signs of bats and their suitability to support roosting bats. The buildings were judged to have moderate potential to support roosting bats, and two activity surveys were undertaken. The bat activity survey work recorded no bats emerging from the buildings, however, common pipistrelle bats were recorded commuting and foraging on the site. The trees were also examined for features that could potentially support roosting bats, however, none were identified and the buildings were judged to have negligible potential for roosting bats.
34. It is, however, recommended that any proposed new external lighting for the scheme should be designed to minimise the risk of disturbance to commuting and foraging bats on the site, in line with best practice as set out at section 9.8 of the Preliminary Ecological Appraisal (PEA) report. Features to compensate for the loss of roost potential in the existing buildings should be incorporated into the proposed new houses in line with the guidance in section 6.3 of the Dusk Survey Results.
35. Four ponds within 250m of the application site have been identified within the ecology report, and a justification has been provided as to why the site would have a low risk of great crested newts being present/impacted upon by the proposed development, and survey work has not been undertaken. The reasoning of this report is accepted. It is, however, recommended that a condition be attached to any grant of planning permission requiring that the proposed development be undertaken in line with the Reasonable Avoidance Measures (RAMs) outlined within the report.

36. Buildings and vegetation on the site have the potential to support breeding birds. The nests of all wild birds are protected from destruction under the Wildlife and Countryside Act, 1981 (as amended). Development (building demolition or vegetation clearance) should not be undertaken in the main bird nesting season (March – August inclusive) unless it can otherwise be demonstrated that no active bird nests are present. It is recommended that a condition be included in any grant of planning permission to support this. Given that nesting opportunities would be lost as a result of the proposal it is recommended that bird nesting opportunities are incorporated into the proposed new buildings (see Appendix III of the PEA report).
37. The ecology report confirmed the presence of several species of plant (Himalayan balsam and Himalayan cotoneaster), which are listed on Schedule 9 of the Wildlife and Countryside Act, 1981 (as amended) making it an offence to plant or cause them to spread in the wild. It is, therefore, recommended that a detailed invasive species method to treat and prevent the spread of invasive species on the site, to include (but not be limited to) how spoil is disposed of from the site, is required by condition as part of any grant of planning permission. Once approved in writing, the method statement should be implemented in full.
38. No other protected species were identified on the site, or considered likely to be present. There is potential for species such as hedgehog to be present on the site, however, securing a scheme of reasonable avoidance measures for amphibians should also safeguard such species. Protected species can be mobile and still turn up unexpectedly on sites and the granting of planning permission does not negate the need to abide by the laws which are in place to protected biodiversity.
39. The hawthorn hedgerow to the northern boundary of the site is a habitat of principle of importance. This appears to be being retained as indicated on the proposed site plans (Drawing ref DS/1031/1), however, the landscaping details are not confirmed at this stage. As such it is recommended that a condition be attached to any grant of planning permission requiring full landscaping details and arrangements to ensure this hedgerow along with all other retained trees/scrub is adequately protected from any adverse impacts of the proposed development. If for any reason plans change and the hawthorn hedge is proposed for removal, equivalent native hedge replanting would be required to be demonstrated within the proposed landscaping scheme.
40. Development should aim to deliver biodiversity benefits in line with the Framework. Appendix III of the ecology report outlines potential measures that can be achieved within this scheme, including measures for hedgehogs, bats, nesting birds and the use of native planning in the landscaping. These measures should be incorporated into the proposed landscaping scheme wherever possible.

Flood risk and drainage

41. The application site is not located in an area that is at risk of flooding from pluvial or fluvial sources, according to Environment Agency mapping data. In accordance with the Framework and the National Planning Practice Guidance (NPPG), the site should be drained on a separate system with foul water draining to the public sewer and surface water draining in the most sustainable way.
42. The NPPG clearly outlines the hierarchy to be investigated by the developer when considering a surface water drainage strategy. As such the developer should consider the following drainage options in the following order of priority:
 - i. into the ground (infiltration);
 - ii. to a surface water body;
 - iii. to a surface water sewer, highway drain, or another drainage system;
 - iv. to a combined sewer.
43. It is recommended that a condition be attached to any grant of planning permission requiring a surface water drainage scheme for the site that has been designed in consideration and in accordance with the surface water drainage hierarchy outlined above.

Sustainability

44. 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.”

45. 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 (POS)

46. 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.

47. 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.

48. Specifically the guidance 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.

49. 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.

50. 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.

51. Local Plan Policy HS4A sets a standard of 0.08 hectares of public open space provision for children/young people per 1,000 population. There is currently a deficit of provision in

Clayton-le-Woods West and Cuerden in relation to this standard, a contribution towards new provision in the ward is, therefore, required from this development. However, a financial contribution for off-site provision can only be requested if there is an identified scheme for new provision and none are currently identified. No contribution can, therefore, be requested for this scheme.

Community Infrastructure Levy

52. 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.

Other matters

53. Interference with boundary hedges: The proposed development does not include any proposals for works to hedges bounding properties at 1 and 11 Parkhurst Avenue. These hedges are outside the application site and, therefore, any interference with them would be a civil matter between property owners.

CONCLUSION

54. The proposed development would have the benefit of providing new housing on a site allocated for mixed use development in the Chorley Local Plan 2012-2026. The proposal would have no unacceptable detrimental impact on the character of the area or the amenity of neighbouring occupiers. In addition, there would be no unacceptable impact on ecology or drainage. On the basis of the above, it is recommended that planning permission be granted subject to conditions.

RELEVANT HISTORY OF THE SITE

Ref: 06/00777/FUL **Decision:** REFFPP **Decision Date:** 30 August 2006
Description: Refurbishment of existing house, including demolition of existing single storey extensions to north and south, erection of two storey extensions to north and south

Ref: 20/00184/TPO **Decision:** PERTRE **Decision Date:** 26 March 2020
Description: Application for works to protected trees - Lancashire County Council TPO 14 1950:
T1 - Fell; T2 - Fell; and T3 - Fell

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