

Item 6 **09/00866/OUTMAJ** **Refusal of Outline Planning Permission**

Case Officer **Caron Taylor**

Ward **Adlington & Anderton**

Proposal **Outline application (specifying access and layout) for the erection of 12 dwellings and associated infrastructure (resubmission of application 09/00513/OUTMAJ)**

Location **The Grove Railway Road Adlington ChorleyPR6 9RG**

Applicant **Miss Vanessa Oliver**

Application No. **09/00866/OUTMAJ**

Consultation expiry: 24th December 2009
Application expiry: 31st January 2010
The application must be determined by the Development Control Committee as it is a major application.

Proposal: Outline application (specifying access and layout) for the erection of 12 dwellings and associated infrastructure (resubmission of application 09/00513/OUTMAJ).

Summary: The development of the site for housing is acceptable in principle in accordance with PPS3, as the site meets the definition of previously developed land. The layout is considered in keeping with the surrounding area, although at a lower density than normally required by PPS3 this is considered justified given the layout and character of the surrounding area. Lancashire County Council Highways consider the access acceptable (and have considered the proposal in relation to the application at Grove Farm opposite).

However, the Environment Agency objects to the proposal on the grounds that there is a culvert across the site and it has not been shown where this will lie in relation to the proposed layout and they object to building over them. In addition, a flood risk assessment has not been done. Although the site is only in flood zone 1 i.e. in an area at a very low risk of flooding, the Environment Agency understand that the capacity of the culvert under the road is inadequate and results in flooding at times of higher rainfall and therefore a flood risk assessment should be undertaken in line with PPS25: Planning and Flood Risk. The application is therefore recommended for refusal on these grounds.

Background: The application site is within the settlement of Adlington in the grounds of a large detached property known as The Grove. This property was erected in approximately 1938 and it is proposed to retain it as part of the scheme. The grounds of the property include grassed areas, a rose garden, vegetable plot, tennis court, patios, driveway and detached garage (to be demolished). The site is bounded by a brick wall. A number of trees on the site bounding with Railway Road are covered by Tree Preservation Order 8 (Adlington) 2008.

Planning Policy: Planning Policy Statement 1: Delivering Sustainable Development
Planning Policy Statement 3: Housing (and By Design Better Places to Live: A Companion Guide to PPG3)
Planning Policy Statement 23: Planning and Pollution Control
Planning Policy Guidance 13: Transport Manual for Streets
North West Regional Spatial Strategy:
Policy DP1- Economy in the Use of Land and Buildings
Policy DP3- Quality in New Development
Policy UR7- Regional Housing Provision
Policy RT2- Managing Travel Demand
Chorley Borough Local Plan Review:
GN1- Settlement Policy- Main Settlements
EP9- Trees and Woodland
HS4- Design and Layout of Residential Developments
HS6 – Housing Windfall Sites
TR4- Highway Development Control Criteria
Sustainable Resources DPD
Sustainable Resources SPD
SPG: Design Guidance,
SPD: Householder Design Guidance

Planning History: The only relevant planning application is the previously withdrawn application:
09/00513/OUTMAJ: Outline application (specifying access and layout) for the erection of 12 dwellings and associated infrastructure.

It should be noted that an application had also been submitted at Grove Farm opposite (ref: 09/00721/OUTMAJ) for at least 75 dwellings, although this has now been withdrawn.

Consultations: Chorley Council Planning Policy
The site is covered by Policy GN1 of the Local Plan Review which sets a presumption in favour of appropriate development subject to other relevant policies. In particular, the application needs to be assessed against the criteria of Policy HS6.

The Chorley Borough 5 year housing supply position at 1 April 2009 identifies that there will be just under 6.2 years supply of potentially deliverable housing land in the Borough. This figure has been identified through the Strategic Housing Land Availability Assessment (SHLAA) which will inform the Core Strategy policies as well as housing allocations within the Site Allocations document. Until the Core Strategy and Site Allocations document are adopted planning applications will continue to be considered against the saved Local Plan Policies as well as relevant national and regional planning guidance. It will be difficult to refuse applications on site that are not identified within the 5 year supply if they meet the requirements of all other relevant planning policies. Guidance from the Department of Communities and Local Government states that where local authorities can demonstrate an up to date 5 year supply of deliverable sites, they should consider the application having regard to PPS3, Development Plan policies and other material considerations. In areas with significant demand and need for housing, Local Planning Authorities should not necessarily treat the 5-year housing provision figures as a ceiling which cannot be exceeded.

Policy SR1 of the Sustainable Resources Development Plan Document is also relevant to this application. An Energy Efficiency/Resource Conservation Statement has been submitted as part of the application, which provides information on how the criteria of Policy SR1 will be addressed. Information has been submitted on passive solar design which satisfies criteria (a). As the application is for outline planning permission, the information submitted for criteria (b), (c) and (d) of Policy SR1 is sufficient at this stage. Detailed information will be required at the reserved matters stage to demonstrate in detail how each criterion has been addressed, particularly in relation to the installation of low carbon/renewable technologies.

LCC Highways

State they are pleased to see the revised arrangements [from the previously withdrawn application]. These address the previous highway concerns and they are happy to confirm that the development will not have planning implications from a highways point of view. They state it is worth noting that the access arrangements for this site and those for the nearby outline application (09/00721/OUTMAJ) at Grove Farm will work adequately together. They will effectively form new cross roads, but no traffic will want to actually cross Railway Road. Each development will have its own traffic and that traffic will only manoeuvre in and out of 'their' road from Railway Road.

Unites Utilities

Have no objection to the proposal provided the site is drained on a separate system with only foul drainage connected into the foul sewer.

Environment Agency

Object to the proposal. The application is supported by a culvert survey. However there is no indication on the proposal plan of where this culvert lies. They are opposed to development over culverts. This is not good practice, as it will prejudice future replacement restoration and can restrict necessary access to the watercourse. PPS25 (Development and Flood Risk) requires that all forms of flooding should be taken into account when considering an application. Whilst the site is shown to be in flood zone 1 (low probability with land assessed as having a less than 1 in 1000 annual probability of river or sea flooding in any year (<0.1%) in the latest version of their flood map), on a recent visit to the site, there was significant ponding of surface water in the area of plots 1-3. Also, they understand that the capacity of the culvert under the road is inadequate and results in flooding at times of higher rainfall. Paragraph E9 of PPS25 advises that a flood risk assessment should be submitted for those sites which may have drainage problems and they recommend that such an assessment is done for this site. They state their objection could be overcome by the applicant demonstrating that no built development will take place over the culvert. Any diversion or alteration of an existing culvert will require the formal consent of the Environment Agency under the Land Drainage Act 1991.

If the Council conclude that other material consideration outweigh this objection and are minded to grant planning permission, paragraph 26 of PPS25 requires that the Environment Agency are informed of this and allowed to make further representation before any permission is issued.

Environmental Protection

Request a condition relating to ground contamination to be applied to any permission.

Arboricultural Officer

After looking at the new layout in the replacement application they state it is good to see that there is now provision to give adequate protection to the best trees on the site. That more trees are being retained in the new layout is also gratifying. They now have no objections to the application.

LCC Strategic Planning

Consider that the proposed development conforms to the North West of England Plan Regional Spatial Strategy to 2021.

Coal Authority

Standing advice.

Adlington Parish Council

Road Safety – Railway Road is a very busy road and cars park all day opposite the proposed entrance to this site whilst their owners travel to work by train. The proposed entrance/exit is also quite close to a narrow hump back bridge with poor sight lines. There could be up to 60 extra cars per day using this entrance, which would create major traffic problems at busy times. This figure does not include delivery or refuse vehicles or visitors. If the development is permitted, the Town Council suggests that it should be a condition that the entrance to the site should be the one at the western edge, as this is further away from the bridge, rather than the one proposed. The revised access to the site is still only 4.5m, although the sight lines have been improved. A planning application has been submitted for a further 75 dwellings, plus park and ride facilities on land immediately opposite this site. If both developments are permitted it would constitute a major traffic hazard. LCC as the Highways Authority should be consulted before any development is authorised.

Drainage – there used to be a pond in the present garden of The Grove, with was one of a series of reservoirs/ponds that passed through the village to feed the Pincroft Dyeing Works. There is concern that, should the development be permitted, it could lead to flooding in the area, particularly in Grove Crescent, where there have been previous problems. There are also doubts as to whether the main sewer would be able to cope with the extra burden. These potential problems need to be investigated. Recent building developments in Adlington have resulted in sewage problems, which could be exacerbated by this development.

Boundaries – the gable end of plot 8 of the proposed development abuts the boundary of no. 15 Grove Crescent and any windows in this would overlook this property resulting in a loss of privacy for the occupants of no. 15 Grove Crescent.

Type of houses – the proposed development consists of mainly four bed houses, with two, three bed houses. The Town Council is of the opinion that this type of dwelling is not required in Adlington as there are plenty of such houses already on the market. There is however, a grave shortage of affordable housing, particularly as

that proposed for the Fairview development ten years ago has not yet been built.

Trees – in the letter sent by the agent to neighbouring properties [prior to the first application being submitted in July], it states that the positioning of houses will not involve the removal of any trees. The Town Council understands that all the trees remaining at The Grove are covered by Tree Preservation Orders. These trees may be affected by construction work and should be protected if the application is approved.

Representations: Four letters of objection and one letter of no objection have been received to the application (six letters of objection along with one letter of no objection were received to the previously withdrawn application 09/00513/OUTMAJ).

The planning reasons for objection can be summarised as:

- Concern over if outline permission is granted it would result in the owner developing something quite different when the plans are ultimately finalised;
- They will lose views of the gardens of The Grove from their rear windows;
- The trees within the grounds were cleared ready for the development. The tree survey does not detail which of the trees will remain as part of the proposed development. Safeguards need to be put in place to stop further tree felling prior to and after any development;
- The Grove was the family home of the Croston's since the early 1900s, local mill owners who were a well respected family. Many locals will remember fondly the days of garden parties, open to the mill workers and their families, being held in the gardens of The Grove. Every effort must be made to maintain history and heritage wherever possible;
- Concerns over the impact additional cars will have on traffic congestion in this vicinity as the area is already very busy. Since the building of the Fairview estate, Railway Road is much busier than a few years ago. With virtually no car park at Adlington railway station and increasing passenger numbers from Adlington, Railway Road is often home to a line of parked cars from the Conservative Club upwards – directly opposite to the entrance to The Grove. The narrow bridge over the railway, only a matter of metres from The Grove entrance makes the road difficult to negotiate at the best of times, so more cars is certainly not going to help. The entrance is not wide enough to allow vehicles to pass when entering and leaving which will lead to queuing on Railway Road. The development would cause unacceptable further pressure on existing struggling infrastructure and erode the quality of life of all residents of Adlington and they are concerned for the safety of school children. In addition there is a proposal for 37 new properties on Fairview Farm and over 70 properties on Grove Farm opposite which altogether with this application could result in 316 extra cars. The next thing on Railway Road will be a roundabout to serve this application and Grove Farm. This could also kill the protected trees;
- There was a probable graveyard around the former Methodist Chapel that used to be on the site;

- The types of properties proposed are likely to house people who will need to commute and given the decline in rail provision from Adlington Station will do so by car;
- There is wildlife in the garden of The Grove. They will be lost if the garden is developed. No wildlife or bird survey has been undertaken;
- Water courses/culverts run through the grounds of The Grove and already being prone to saturation and occasional flooding, there is concern that building work disturbing these courses will potentially have a direct impact on the residences on Grove Crescent;
- It is not clear if there will be any impact on the garden wall which offers privacy at ground level, and they would not want it lost;
- Object to how close the properties are to be built to the boundaries of the site. They should be set further back from Grove Avenue and Grove Crescent. Two storey properties will block out light from gardens and properties on Grove Crescent throughout the year due to their proximity and result in a loss of privacy and overlooking. Bungalows should be proposed at a lower density;
- The garages (serving plots 8 and 9) against the boundary with number 13 Grove Crescent have been re-positioned since the withdrawn application and the pitches of these garages have been changed from a pyramid pitched roof to a dual-pitched roof which will cut off more light to number 13;
- Windows in the property on plot 8 will overlook number 11 and 13 Grove Crescent. This property is also very oppressive to numbers 13 and 15 Grove Crescent. The outlook from their property will be a continuous brickwall;
- The density of the development is out of proportion to its environment and the density of the housing on Grove Crescent and the village of Adlington which is characterised by property with significant garden space and a housing density of less than 30 dwelling per hectare;
- The Council's Housing Land Supply figures state the Council has sufficient existing site provision and identified sites to meet demand and obligations placed on it by outside agencies so development on windfall sites is not required. There has been sufficient development in Adlington;
- Brownfield sites must be a favoured option for development. Looking at the Site Specific Allocation Development Plan there are many suitable sites within the Parish other than The Grove. The preference for brownfield sites is strengthened by the Government focus on 'garden grabbing' and new planning rules to strengthen powers to refuse them should be used;
- The proposal will result in a strain on infrastructure and erode the quality of life of local residents;
- It is inappropriate to surround such an architecturally interesting and substantial property as The Grove with the proposed density and style of modern properties;

The letter of no objection states they are sure the type of housing development is a definite requirement in the Adlington area and will soon become an integral part of and an asset to the community. This type of project appears to be a good use for an

under utilised piece of land they are sure will add a little more character to Railway Road.

Assessment:

Principle of the Development

Planning Policy Statement 3: Housing (PPS3) is the national planning guidance that sets out the Government's national policies on housing and is a material consideration in determining planning applications.

PPS3 defines previously developed land (also known as brownfield land) as that which was occupied by a permanent structure, including the curtilage of the developed land and any associated fixed surface infrastructure. The application site is therefore previously developed land under this definition. The development of previously developed land is encouraged over the use of greenfield sites. The principle of redevelopment of the site is therefore acceptable in principle in line with planning policy.

Policy HS6 of the Local Plan Review states that residential development on sites not allocated and within the boundaries of settlements excluded from the Green Belt will only be permitted if the applicant can satisfy all the criteria set out in this policy. In terms of housing supply the proposal will not result in an over-supply of housing in the area as confirmed by the Planning Policy Section in the 'Consultees' part of this report. It is considered that the proposals are in line with this policy and national planning guidance PPS1, in that the site is considered to be located in a sustainable location, accessible via a variety of transport methods with a range of local services in the area.

Impact on Character and Appearance of the Area:

The scheme proposes to retain the existing dwelling on the site and erect 12 dwellings, 10 detached and one pair of semi's. In terms of density, PPS3 states that 30 dwellings per hectare should be the national indicative minimum density in decision-making. However, PPS3 does allow lower densities as long as they are justified. The current proposals are below this density, but it is considered in this case the lower density can be justified in terms of the character of the area, as many of the surrounding properties are detached and semi-detached dwellings with more spacious gardens. However, it is not considered that the application could be refused on the number of dwellings proposed being too many for the site, as the scheme is already lower in density than set out in PPS3 and there are a wide range of properties in the wider area including terraced properties on Railway Road itself.

Layout

Policies HS4 and GN5 of the Local Plan Review set out the basis for assessing housing applications. The application is made in outline with only the access and layout for consideration in this report, although the principle of the scale of the dwellings should be considered.

The site is bounded to the northwest by detached two-storey properties on Grove Crescent and to the southwest by the bungalows on Grove Avenue. To the northeast is the Gladmar Hotel, a two-storey building and opposite the site on the other side of Railway Road is Grove Farm, a site that has also recently had an application made for housing development including a park and ride facility for the station next to the existing Conservative Club

(ref: 09/00721/OUTMAJ), although the application has now been withdrawn.

The proposed layout is centred round a cul-de-sac road with properties on either side focussed around the existing property on the site 'The Grove', cumulating in a turning head. The existing dwelling that will remain on site will form a central feature as the development is entered from Railway Road, which is looked upon favourably.

All the properties are detached apart from plots 1/2 and 4/5 which are a pair of semi-detached properties. The house types proposed are considered appropriate. There are a range of properties in the area and although the properties on Grove Avenue are bungalows, the properties to the rear on Grove Crescent are detached properties and the Gladmar Hotel bounding with the site to the northeast is also two-storey. Looking at the wider area in terms of the layout, there are cul-de-sacs like such as Highfield Close, Granville Street and Lancaster Close in the vicinity so the cul-de-sac layout is not out of place within Adlington. There are also properties with side driveways and detached garages to the rear and others with integral garages as proposed. The site will also largely retain its tree dominated road frontage from Railway Road.

Although scale and appearance have not been applied for the application indicates the properties will be two-storey with an eaves height of approximately and a ridge height of between 7.5 and 8m. This is considered acceptable as it is similar to the height of the properties on Grove crescent.

Trees

Trees are a dominant feature of the road frontage along this part of Railway Road, the existing property not being highly visible from the road due to the trees. The trees on the road frontage are the subject of a Tree Preservation Order (TPO 8 (Adlington) 2008) and a Tree Survey has been submitted with the application. The other trees within the site are not protected as they would not meet the criteria to warrant a Tree Preservation Order. The layout of the proposal takes the frontage trees into account by setting the property on plot 12 in from the boundaries of the site and giving the properties on plots 1 and 12 generous gardens. Tree protection conditions will be applied to any permission.

Neighbour Amenity

Although the layout does form part of the application the appearance of the dwellings if the application is approved will be the subject of a reserved matters application. However, it is considered that the layout would result in a development that would have a satisfactory relationship with the surrounding properties. There would be over 10m between the first floor windows of the proposed properties and the boundaries with the existing surrounding properties. Although the properties on plots 4 and 8 are shown closer to the boundaries than this, the layout indicates these will be side elevations of the properties, rather than elevations with principle windows. The positioning of windows will be considered as part of the reserved matters application but in terms of layout the proximity of secondary elevations to surrounding properties is considered acceptable. Although there are garages close to the boundary with neighbouring properties (plots 8, 9, 11 and the replacement garage for the existing property

know as The Grove), the roofs are hipped away from them and they are single storey. The relationship of the garages with the neighbouring properties is therefore considered acceptable.

Highways

Lancashire County Council highways had concerns over the highway layout on the previously withdrawn application. They state that the revised arrangements on this application are satisfactory. The case officer specifically asked them to look at the development in relation to the application across the road on Railway Road at Grove Farm. Although this application has now been withdrawn they consider that the two accesses would work adequately together and would effectively form a new cross roads.

The proposal would have parking provision at 3 spaces for four bedroom properties and 2 spaces for three bedroom properties. Although this would include garages, the garages would be at a size of 3m x 6m for single garage and 6m x 6m for double garages so are of sufficient size to be counted as a space with room for some storage, such as bicycles as well. The layout of the properties at reserved matters stage will consider the parking provision i.e. whether integral garage have been included to ensure this parking provision is met. A condition will be placed on any permission to ensure that parking is provided at this standard.

Sustainable Resources

An Energy Efficiency/Resource Conservation Statement has been submitted as part of the application, which provides information on how the criteria of Policy SR1 will be addressed which is considered sufficient at this outline stage. Detailed information will be required at the reserved matters stage and will be secured by condition.

Affordable Housing

As the scheme is for less than 15 dwellings there is no requirement for affordable housing on the site in line with national PPS3.

Public Open Space

As this application relates to a net increase of 11 new dwellings there is a requirement for a financial contribution towards equipped play space which would need to be secured through a s106 Agreement.

Flooding

The Environment Agency object to the proposal. The previously withdrawn application identified the presence of a culvert on the site. Although the application is supported by a culvert survey the Environment Agency states there no indication on the proposed plan of where this culvert lies and they are opposed to development over culverts as it is not good practice, as it will prejudice future replacement restoration and can restrict necessary access to the watercourse.

Although the site is shown to be in flood zone 1 and therefore at a low risk of flooding the Environment Agency understand that the capacity of the culvert under the road is inadequate and results in flooding at times of higher rainfall and therefore a flood risk assessment in line with PPS25 should be undertaken. The applicant has not demonstrated that no built development will take

place over the culvert. It is not therefore not considered that the proposal complies with PPS25: Development and Flood Risk.

Other Matters

One of the neighbours have stated that houses should not be build in the grounds of such an architecturally interesting building as the property is part of the heritage of the area which should be preserved. However, the property is not listed, or locally listed, nor is it in a Conservation Area. It therefore has no statutory protection from demolition and it is not considered that the building is of such merit that it would warrant such protection. That the applicant is proposing to retain the building as part of the scheme is however, welcomed.

In terms of wildlife an ecological report has been submitted with the application. The report shows the most significant part of the site with respect to bats is the existing house which was found to be suitable for bat roosting, and mature trees and shrubs which form a small wooded copse along the north-eastern and south-eastern boundaries. Most of the trees are unsuitable for roosting due to lack of height or absence of suitable cavities or cracks and crevices in bark but do provide potential for foraging. Three mature trees (one of which is off the site) were found to provide marginal suitability for roosting. These trees are to be retained as part of the scheme. Despite this no conclusive signs of bat roosting were found during the daytime part of the survey and no bats were recorded emerging from any of the trees or buildings during the dusk emergence and activity survey. The site is used to some extent for foraging and at least three common pipistrelle were recorded feeding around the edge of the wooded area. This is the area that is covered by the tree preservation order and is to be retained as part of the scheme. The survey also states the site is relatively isolated from other suitable habitat by surrounding residential housing, a road and various brick or stone walls, thereby providing limited potential for badgers. In terms of birds the report states that there is considered to be little or no likely impact upon breeding birds, providing no vegetation or other potential breeding habitat is removed or modified during the breeding season. An informative note will be added to any permission regarding this. It is not therefore considered the proposal will have an unacceptable impact on wildlife including protected species.

Recommendation: Refusal of Outline Planning Permission

Reasons

1. It has been identified that there is a culvert on the site. However, it has not been demonstrated where this in relation to the proposed layout. The Environment Agency object to development over culverts as it will prejudice future replacement restoration and can restrict necessary access to the watercourse. In addition PPS25 (Development and Flood Risk) requires that all forms of flooding should be taken into account when considering an application. Although the site is shown to be in flood zone 1 there is surface water on the site. In addition, it is understand that the capacity of the culvert under the road is inadequate and results in flooding at times of higher rainfall. Paragraph E9 of PPS25 advises that a flood risk assessment should be submitted for those sites which may have drainage problems. It is therefore considered that the proposal is contrary to PPS25 in that it has not been accompanied by a flood risk assessment and the relationship of the culvert to the proposed development has not been demonstrated to the satisfaction of the Environment Agency.

Members should be aware that if they are minded to approve the application contrary to recommendation, the Environment Agency must be informed and given further opportunity to comment before a permission is issued.
