

<b>Item 1</b>	<b>10/00101/FUL</b>	<b>Permit (Subject to Legal Agreement)</b>
<b>Case Officer</b>	<b>Mr Andy Wiggett</b>	
<b>Ward</b>	<b>Clayton-le-Woods And Whittle-le-Woods</b>	
<b>Proposal</b>	<b>Erection of 7 detached dwellings, garages and associated infrastructure following demolition of the existing dwellings.</b>	
<b>Location</b>	<b>The Royle And The Coppice Shaw Hill Whittle-Le-Woods ChorleyPR6 7PP</b>	
<b>Applicant</b>	<b>Wainhomes (North West) Limited</b>	
<b>Proposal</b>	The application relates to the demolition of two existing dwellings and their replacement with seven detached houses. The site is part of the Shaw Hill Estate an area of land off the A6 Preston Road in Whittle-le-Woods which has been developed by the erection of individual dwellings served by two private roads. The roads both lead up to the Shaw Hill.	
<b>Background:</b>	<p>Planning permission was refused in February for the same number of dwellings on the site but using a different mix of house types. The application was unacceptable due to the adverse impact on adjoining properties and streetscene.</p> <p>Planning permission was granted in October 2007 for a development using the same house types on Spinney Close following the demolition of a dwelling on the site. The current application site is about 35m away.</p>	
<b>Policy</b>	<p><b>Chorley Borough Local Plan Review</b>  GN1 - Settlement Policy – Main Settlements  GN5 – Building Design  HS4 – Design and Layout of Residential Developments  HS6 – Housing Windfall Sites  SPD – Householder Design Guidance  <b>Planning Policy Statement 1 – Delivering Sustainable Development</b>  <b>Planning Policy Statement 3 - Housing</b></p>	
<b>Planning History</b>	No other relevant planning history.	
<b>Consultations</b>	Parish Council - no comments received yet Neighbourhoods – would wish to see a risk assessment carried out with regard to the potential for ground contamination and any necessary remediation.	
<b>Representations</b>	16 letters of objection have been received raising the following issues: <ul style="list-style-type: none"> <li>• Increased traffic on private road will cause unacceptable damage</li> <li>• Scale and density of proposed house out of character</li> <li>• Scheme involves use of private land for access, no deliveries should be made via Shaw Hill Drive</li> <li>• Noise and disturbance caused by development</li> <li>• Timing of bat survey</li> </ul>	

- Stone wall at top of Shaw Hill Drive is of special architectural interest
- Each property on Shaw Hill Drive has its own distinct character what is proposed will not fit in
- Shaw Hill Drive is a private road that will be damaged by the development and will require reinstatement for which Wainhomes should be responsible
- The roads should be made up to adoptable standard
- Letter received from Planning Consultant on behalf of local residents specifying objections as follows:

Local character of surrounding area in terms of density and garden sizes not been considered

Use of standard house types does not take account of local distinctiveness and landform of site

Siting of proposed dwellings facing Shaw Hill ignores well defined existing building line which maintains spaciousness of cul-de-sac

Gainsborough house type adjacent to the Croft will appear overdominant in the streetscene and out of scale with surrounding dwellings

Plot 7 will overshadow adjacent existing dwelling, and for plots 5 and 7 will create a poor frontage to Shaw Hill.

No proposed site levels, cross sections or details of retaining walls which will be required.

No landscaping details submitted

Increased risk of surface water run-off from the proposed development affecting Shaw Hill and the lower lying dwellings

Substitution of house types has brought about an adverse effect on the streetscene of Shaw Hill by locating a detached garage at the edge of the highway

Need to secure retention of the locally important silver birch specimen

Developer has failed to have regard to Policy HS4 and the criteria for new residential development

### **Applicant's Case**

- Site is in a sustainable location
- No standard design of houses in the area with a mix of traditional and modern properties
- Development will further diversify house types available within locality with easy access to shops and facilities

### **Assessment**

There are a number of planning issues that need to be considered, including the principle of the development, the impact on the character of the area and trees, impact on neighbouring properties and highway safety.

#### Principle of Dwellings on the Site

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

considered to be 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.

It is considered that the proposals are in line with national planning guidance PPS1 and Local Plan Policy GN9 and HS6, 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 demolish two dwellings and replace them with seven, therefore resulting in a net increase of five dwellings on the site. In terms of density, PPS3 states that new developments should be at a minimum density of 30 dwellings per hectare. The current proposal at 22 dwellings per hectare is 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 large detached dwellings on significant plots. The issue of character has been assessed at numerous appeals and been upheld only in the case of Conservation Areas. It is considered that the nature of the development in the Shaw Hill area does not display a consistent distinctive character sufficient to insist that the use of standard house types is unacceptable. It is not considered that the application could be refused on the number of dwellings proposed being too many for the site or on housing style and type as the scheme is already lower in density than set out in PPS3. The matter of landscaping can be dealt with by the appropriate condition.

#### Highway Safety

In terms of parking each dwelling will have a double garage and driveway, which is considered sufficient to serve the dwellings. The use of the private roads is not a planning issue and is a matter between landowners to resolve. The developer could be asked through the S106 agreement to repair the roads to an acceptable standard if it is damaged by construction traffic perhaps by way of endowing a maintenance fund.

#### Neighbour Amenity

The guidance in PPS1 states that good design should be integrated into the existing urban form and the natural and built environments and PPS3 amplifies this by stating that development should be well integrated with and complement the neighbouring buildings and the local area more generally in terms of scale, density layout and access. To that extent it was considered that the relationship of the Gainsborough house type with adjoining properties was unacceptable. The applicant has attempted to overcome the previous grounds for refusal by deleting the Gainsborough house type and substituting the Richmond house type which utilises a detached double garage located close to the highway on each plot where it is used.

The amended layout indicates floor heights which has enabled the impact to be assessed in relation to Shaw Hill and the adjoining dwellings. The detached garage adjacent to Jardine house would have a floor level of 91.15m compared with that of 91.3m for the house. Although the garage would be positioned close to the

highway in view of the large garage on the front of Jardine House it is not considered that their would be such an adverse impact on the streetscene such as to justify a refusal.

The distance between plot 6 and the bungalow opposite, Bramblewood is 25m, the difference in floor levels is now indicated at 2.6m compared with the previous 3.6m and is no longer considered considered to be overdominant. In relation to The Spinney, amended plans have been received which ensure the new dwelling satisfies the 45 degree rule and floor slab level is some 0.3m lower so as to minimise its impact.

The difference between the first floor windows of the properties on Shaw Hill Drive is 23m and as they at a similar height to those proposed, this is considered acceptable.

#### Commuted Sum

As this application relates to a net increase of five new dwellings on the site there is a requirement for a financial contribution towards equipped play space. This can only be secured through a Section 106 agreement.

#### Ecological Considerations

The application was accompanied by a bat survey. The results have been assessed and the conclusion by the consultants is that there were no signs of bats or roosts found on the site and very limited potential for this. The provisions of the Conservation Regulations 1994 have been considered in relation to these findings and whilst the immediate area has high potential for bat foraging, there is an abundance of alternative properties.

#### Other Matters

Although the comments made by neighbours regarding possible damage to the road during construction are noted, this is not a planning issue which can be taken into account when determining the application but Members may wish to consider requesting that the applicant to deal with this matter through the S106 agreement as set out earlier in the report.

The issue of surface water run-off can be dealt with through the Building Regulations and the use of permeable materials for drives etc.

#### **Conclusion**

The principle of the re-use of a brown field site is acceptable but the use of standard house types has given rise to problems with the previous application. The amended plan and the use of different house types together with detailed information on levels has enabled a proper assessment to be made. The proposed scheme will not now have an unacceptable impact on the residential amenity of adjoining dwellings or on the streetscene.

---

#### **Recommendation: Permit (Subject to Legal Agreement) Conditions**

1. The development hereby permitted shall not commence until the applicant has submitted to and had approved in writing by the Local Planning Authority a report to identify any potential sources of contamination on the site and where appropriate, necessary remediation measures. The report should include an initial desk study, site walkover and risk assessment and if the initial study identifies the potential for contamination to exist on site, the scope of a further study must then be agreed in writing

with the Local Planning Authority and thereafter undertaken and shall include details of the necessary remediation measures. The development shall thereafter only be carried out following the remediation of the site in full accordance with the measures stipulated in the approved report.

*Reason: In the interests of safety and in accordance with the guidance set out in PPS23 – Planning and Pollution Control 2004.*

2. 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.*

3. No development shall take place until a scheme of landscaping has been submitted to and approved in writing by the Local Planning Authority, notwithstanding any such detail which may have previously been submitted. The scheme shall indicate all existing trees and hedgerows on the land; detail any to be retained, together with measures for their protection in the course of development; indicate the types and numbers of trees and shrubs to be planted, their distribution on site, those areas to be seeded, paved or hard landscaped; and detail any changes of ground level or landform.

*Reason: In the interests of the amenity of the area and in accordance with Policy No. GN5 of the Adopted Chorley Borough Local Plan Review.*

4. Before the development hereby permitted is first commenced, full details of the position, height and appearance of all fences and walls to be erected (notwithstanding any such detail shown on previously submitted plans) shall have been submitted to and approved in writing by the Local Planning Authority. No dwelling shall be occupied until all fences and walls shown in the approved details to bound its plot have been erected in conformity with the approved details. Other fences and walls shown in the approved details shall have been erected in conformity with the approved details prior to substantial completion of the development.

*Reason: To ensure a visually satisfactory form of development, to provide reasonable standards of privacy to residents and in accordance with Policy No. HS4 of the Adopted Chorley Borough Local Plan Review.*

5. The development hereby permitted shall not commence until full details of the colour, form and texture of all external facing materials to the proposed buildings (notwithstanding any details shown on the previously submitted plans and specification) have been submitted to and approved in writing by the Local Planning Authority. The development shall only be carried out using the approved external facing materials.

*Reason: To ensure that the materials used are visually appropriate to the locality and in accordance with Policy Nos. GN5 and HS4 of the Adopted Chorley Borough Local Plan Review.*

6. The development hereby permitted shall not commence until full details of the colour, form and texture of all hard ground- surfacing materials (notwithstanding any such detail shown on previously submitted plans and specification) have been submitted to and approved in writing by the Local Planning Authority. The development shall only be carried out in conformity with the approved details.

*Reason: To ensure a satisfactory form of development in the interest of the visual amenity of the area and in accordance with Policy Nos. GN5 and HS4 of the Adopted Chorley Borough Local Plan Review.*

7. During the construction period, all trees to be retained shall be protected, including specifically the silver birch on the boundary with Jardine House, by 1.2 metre high fencing as specified in paragraph 8.2.2 of British Standard BS5837:2005 at a distance from the tree trunk equivalent to the outermost limit of the branch spread, or at a distance from the tree trunk equal to half the height of the tree (whichever is further from the tree trunk), or as may be first agreed in writing with the Local Planning Authority. No construction materials, spoil, rubbish, vehicles or equipment shall be stored or tipped

within the areas so fenced. All excavations within the area so fenced shall be carried out by hand.

*Reason: To safeguard the trees to be retained and in accordance with Policy No. EP9 of the Adopted Chorley Borough Local Plan Review.*

8. 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 and in accordance with Policy No GN5 of the Adopted Chorley Borough Local Plan Review.*

9. Notwithstanding the details of the submitted plans, the proposed driveway shall be constructed using permeable materials on a permeable base, the details of which shall be submitted to and approved by the Local Planning Authority prior to the commencement of the development. The development shall be carried out using the approved materials and shall be retained thereafter, unless otherwise agreed in writing by the Local Planning Authority.

*Reason: To ensure a satisfactory form of development and to prevent an undue increase in surface water run off. In accordance with Policy No.GN5 and EP18 of the adopted Chorley Borough Local Plan Review.*

10. No dwelling shall be occupied until a Code for Sustainable Homes 'Post Construction Stage' assessment has been carried out and a final Code Certificate has been issued certifying that the required Code Level and 2 credits under Issue Ene7 has been achieved and the certificate has been submitted to and approved in writing by the Local Planning Authority.

*Reason: To ensure the proper planning of the area. In accordance with Government advice contained in Planning Policy Statement: Planning and Climate Change - Supplement to Planning Policy Statement 1 and in accordance with Policies EM16 and EM17 of the North West Regional Spatial Strategy and Policy SR1 of Chorley Borough Council's Adopted Sustainable Resources Development Plan Document and Sustainable Resources Supplementary Planning Document.*

11. No phase of the development shall commence until a Design Stage/Interim Code Certificate is submitted to the Local Planning Authority demonstrating that the proposed development will achieve the relevant Code for Sustainable Homes level. All dwellings commenced after 1<sup>st</sup> January 2010 will be required to meet Code Level 3, all dwellings commenced after 1<sup>st</sup> January 2013 will be required to meet Code Level 4 and all dwellings commenced after 1<sup>st</sup> January 2016 will be required to meet Code Level 6. In accordance with Policy SR1 of the Sustainable Resources DPD, renewable or low carbon energy sources must be installed to reduce the predicted carbon emissions of the development by at least 15% (increasing to 20% from 2015). To demonstrate that this has been achieved, the Design Stage/Interim Code Certificate must show that the proposed development will achieve 2 credits within Issue Ene7: Low or Zero Carbon Technologies. The approved details shall be fully implemented and retained in perpetuity unless otherwise agreed in writing by the Local Planning Authority.

*Reason: To ensure the proper planning of the area. In accordance with Government advice contained in Planning Policy Statement: Planning and Climate Change - Supplement to Planning Policy Statement 1 and in accordance with Policies EM16 and EM17 of the North West Regional Spatial Strategy and Policy SR1 of Chorley Borough Council's Adopted Sustainable Resources Development Plan Document and Sustainable Resources Supplementary Planning Document.*