

APPLICATION REPORT – 22/01320/FUL

Validation Date: 28 December 2022

Ward: Clayton East, Brindle And Hoghton

Type of Application: Full Planning

Proposal: Erection of 3no. residential dwellings following demolition of existing buildings

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

Case Officer: Mr Iain Crossland

Applicant: Thistle Homes

Agent: Louise Leyland PWA Planning

Consultation expiry: 3 February 2023

Decision due by: 22 February 2023

RECOMMENDATION

1. It is recommended that planning permission is granted subject to conditions and a s106 agreement.

SITE DESCRIPTION

2. The application site is located within the settlement area other than the south western extremity, which overlaps with the Green Belt. It comprises a plot of land located to the south west side of 715 Preston Road and forms a small part of the garden to the property and land beyond that was in horticultural use, with several greenhouse buildings in situ. The site itself appears somewhat dilapidated, and although it is set back from Preston Road and well screened from it there is a public bridleway (BW6) running along the access road that connects the site with Preston Road. Other than serving the application site the access road connects Preston Road with Hawksclough Farm and Hawksclough Barn to the south west.
3. Hawksclough Farm is a grade II listed building, the access to which commences adjacent to the application site where there is a gatepost in evidence. This sits on the left hand side of the access track up against the end of a storage shed and adjacent to a telegraph post. The stone post has a tooled finish and is approximately 1.6m high, with angled top. It still has an iron gudgeon on it which is evidence that a gate was hung off it at some time. There is no evidence of age but the access down to Hawksclough is shown on the 1845 map and it is possible that the gate post related to the house/estate. Despite this, it is not considered that the post can be said to form part of the curtilage to Hawksclough, and since it is detached and divorced from it fails in terms of the first test in relation to physical layout of the site. Hawksclough Farm itself is located approximately 190m from the site with an intervening woodland between. As such Hawksclough Farm is not visible from the site.
4. There is a watercourse and wooded area to the north west of the site, which forms part of the Cuerden Valley Park and River Lostock Biological Heritage Site.

5. The character of the area is rather suburban with large areas of housing estates to the south and east either side of Preston Road. However, the character does become more rural to the west where there is woodland and open grassland with Cuerden Valley Park beyond.
6. It is noted that planning permission was granted in November 2020 (ref. 19/01142/FUL) for a residential development comprising 6no. dwellings on the site, and that this consent remains extant.

DESCRIPTION OF PROPOSED DEVELOPMENT

7. This application seeks planning permission for the erection of 3no. detached dwellings following the demolition of existing buildings on the site. These would be of a fairly traditional design with a brickwork finish, the details of which are to be confirmed. There would be in-curtilage parking to the frontages with some garden area to the front and larger gardens to the rear. Access would be via a private driveway running adjacent to the existing access road, which would be remodelled to facilitate this and include a turning area.

REPRESENTATIONS

8. Representations in objection have been received from two individuals raising the following issues:
 - Impact on the setting of Hawksclough Farm, which is grade II listed.
 - Impact on the character of the area
 - Impact on amenity through noise and disturbance.
 - Highway safety impacts.
 - The development would require works to land not in ownership or control of the applicants to deliver the access and utilities.
 - Hedging between 719 Preston road should be retained or some other form of screening installed.
 - The visibility splay to the north should be improved
 - Existing buildings should be removed prior to commencement.
 - Parking to existing properties should not be impeded.
 - Restrictions to working hours should be applied.

CONSULTATIONS

9. Greater Manchester Ecology Unit: Note that the application site lies directly adjacent to a Biological Heritage Site (BHS) at Cuerden Valley Park and River Lostock and that an appropriate buffer should be included. Conditions recommended in relation to the need for a construction environmental management plan for biodiversity, a lighting design strategy for biodiversity and a scheme for the biodiversity enhancement measures.
10. Lancashire County Council Highway Services: Do not have any objections in principle.
11. United Utilities: Have identified that there is a wastewater pumping station located immediately to the west of the site and require a minimum no build zone of 15 metres from the wet well of the pumping station. A condition is recommended requiring a surface water drainage scheme and a foul water drainage scheme.
12. Clayton-le-Woods Parish Council: No comments have been received.

PLANNING CONSIDERATIONS

Principle of development

13. 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.

14. 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.
15. 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.
16. Given that part of the site is within a residential garden 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.
17. 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).
18. 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.
19. The proposal reflects the pattern of development that extends perpendicular to Preston Road from nos.719 to 715, whilst the existing site is not representative of a particular form or character that is specific to this area. 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.
20. 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.
21. 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 planning permission being granted for the development.
22. A small part of the site is located within the Green Belt. Paragraph 149 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 include any built development within the Green Belt area. 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 and would function as garden land.

23. Paragraph 150 of the Framework sets out that certain other forms of development are also not inappropriate in the Green Belt provided they preserve its openness and do not conflict with the purposes of including land within it. This includes material changes in the use of land at paragraph 150.e). The use of the land as garden would not include any buildings and would not therefore impact on openness, whilst its enclosure within the existing site would effectively contain the development preventing encroachment into open countryside. On this basis the proposed would meet with this exception to inappropriate development in the Green Belt.
24. A material consideration in the assessment of the application is the extant planning permission 19/01142/FUL for a residential development comprising 6no. dwellings. In granting planning permission for this development the acceptability of the principle of development has already been established and the previously approved development represents a fall back position.
25. In consideration of the above, the proposed development is considered to be acceptable in principle.

Impact on character and appearance of locality

26. The application site is not prominent from Preston Road due to its positioning, difference in levels and intervening structures. However, it is highly prominent from the public bridleway. Currently the appearance of the site is negative one that suffers a sense of dilapidation through its inactive use. The proposal represents an opportunity to introduce an active use and to address the poor appearance.
27. The proposed dwellings would be of a fairly traditional design with a brickwork finish, the details of which are to be confirmed. There would be in-curtilage parking to the frontages with some garden area to the front and larger gardens to the rear. Access would be via a private driveway running adjacent to the existing access road, which would be remodelled to facilitate this and include a turning area. The design style would differ from those at nos.715 to 719 Preston Road, however, similar such dwelling types are not uncommon in the wider area.
28. The dwellings would be laid out in a pattern that reflects the short run of properties from nos.715 to 719 Preston Road facing onto the bridleway. This would help to develop an active frontage and would be a logical pattern of development in the context of the site. Although the dwellings would differ in type to those nearest at nos.715 to 719 Preston Road there is adequate separation such that they would be viewed in their own right, and would not detract from any existing design qualities. In consideration of the character of the wider area it is noted that there is an estate of more modern dwellings extending along the opposite side of the bridleway and beyond the extent of the application site. Although these do not face onto the bridleway, they are clearly visible and have a significant impact on the character of the area around the bridleway and application site. In this context the proposed development would not be in any way harmful to the character of the area.
29. Overall, the proposed development would improve the appearance of the site and would not be harmful to the character of the area in line with policy BNE1 of the Chorley Local Plan 2012-2026.

Neighbour amenity

30. Policy BNE1 of the Chorley Local Plan 2012-2026 states that new development must not cause harm to any neighbouring property by virtue of overlooking, overshadowing, or by creating an overbearing impact.
31. The nature of the application site is such that there are very few dwellings that would be impacted upon by the proposed development. The dwelling at no.715 Preston Road is the most affected and is within the ownership of the applicant. The positioning of the dwelling at unit 3 is such that there is a degree of separation between the proposed dwelling and no.715 Preston Road. Although there would be some light loss to the garden area and rear of the dwelling at no.715 Preston Road, during the winter months in particular, this would not

be so severe as to warrant refusal of the application. The dwellings at nos.717 and 719 are further distant and would be affected less.

32. In terms of more general amenity matters, dwellings would provide a compatible land use in relation to existing dwellings, whilst the vehicle movements associated with 3 dwellings would have only limited impacts on noise and disturbance. The relationship between the proposed dwellings themselves is acceptable and in line with the Council's standards.
33. On the basis of the above it is considered that the proposed development would have no unacceptably adverse impact on the amenity of the occupiers of any existing or future occupiers and complies with policy BNE1 of the Chorley Local Plan 2012-2026.

Highway safety

34. The application site is located off Preston Road and served by a private access over which an existing bridleway (9-9-BW 6) route passes over. Preston Road is part of the adopted highway with a speed limit of 40mph and pedestrian footways on both sides of the carriageway. The current junction is part of the adopted highway and, therefore, any works to make modifications to this junction would require a Section 278 agreement.
35. The proposal is for 3no. four-bedroom dwellings with integral garages and private driveways, which also provide pedestrian access. The proposal would not front onto the adopted highway but would access it via a private access, which a bridleway also uses.
36. As part of the proposal, the private access and its junction with the adopted highway are proposed to be altered to provide an improved access. LCC Highway Services do not have any objections to the proposed improved junction. It is requested that tactile paving provision is provided across the mouth of the junction to help users of the site navigate when travelling by sustainable means.
37. The proposed internal highway layout does not meet LCC Highway Services' minimum requirements for it to be considered for adoption. The minimum requirements are a 5.5m wide carriageway with 2m wide footways on either side (a 0.5m wide service verge is acceptable where there is no residential service. As the minimum requirements are not met LCC Highway Services would not consider the proposed internal highway for adoption. A maintenance and management agreement would need to be in place for the proposed internal highway. The applicant has confirmed that the highway would not be offered up for adoption.
38. The integral garage dimensions and individual car parking are acceptable to be used as individual parking spaces, and there would be adequate off-street parking in line with the Council's parking standards on this basis. It is noted that the proposed driveways are of insufficient length to allow effective use of the proposed garages, therefore, it is recommended that roller shutters are fitted to garages, which should be secured by condition as part of the planning decision. It is also recommended that the garages are prevented from conversion by condition in order to retain adequate parking provision at the site.
39. LCC Highway Services have questioned how the refuse collection for the proposed dwellings would operate. The applicant has confirmed that the bins would be moved to the bin storage area close to the road junction on bin day by residents. It is not intended that the refuse vehicle would enter the site; instead the refuse vehicle would stop on Preston Road and collect bins from the store as it does at present.

Ecology

40. 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.

41. Given the proximity to the BHS it is expected that a sufficient buffer should be provided between the development and the BHS. This could be achieved by setting the rear boundaries of the garden 5m from the BHS boundary to ensure the riparian corridor is protected once the properties are occupied. A landscape plan for the buffer zone should also be submitted, which should include planting of suitable locally native woody vegetation or other riparian planting where appropriate. The applicant has confirmed that they would be willing to provide these details in response to an appropriate condition, and it is recommended that such details be required as part of a landscaping condition attached to any grant of planning permission.
42. Notwithstanding the above, the BHS and riparian corridor would require protecting during any construction works, should permission be granted. It is, therefore, recommended that a construction environmental management plan for Biodiversity be required by condition attached to any grant of planning permission.
43. It is noted that seven trees, with four of these being category B, and one category C, would be removed in order to facilitate the proposal. It is expected that the proposed development shall include measures to enhance biodiversity at the site and to provide a net gain for biodiversity, in line with the requirements of the Framework and policy BNE9 of the Chorley Local Plan. It is, therefore, recommended that a condition be attached to any grant of planning permission requiring a scheme for biodiversity enhancement measures, which should be reflected in the proposed landscaping for the site.
44. On the basis that the trees to be removed are compensated for within the landscaping and biodiversity enhancement measures, and that a sufficient buffer should be provided between the development and the BHS, the proposed development is considered to be in line with policies BNE 9 and 10 of the Chorley Local Plan 2012 – 2026.

Impact upon heritage assets

45. 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. It is noted that the locality around the site and beyond has been substantially altered over the years by the development of Clayton Brook and the modern housing developments which, run alongside the access road and bridleway such that they have completely altered the approach to the listed building.
46. It is considered that the degree of visual separation between the proposed housing and Hawksclough Farm, and the intervening modern residential developments which has occurred close by, is such that the current housing scheme for three dwellinghouses would not harm the contribution made by the current setting. It is concluded, therefore, that the proposed development would not have any impact on the significance of Hawksclough Farm, which includes the contribution made by its setting.
47. 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.

Flood risk and drainage

48. 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.
49. 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:
 1. into the ground (infiltration);
 2. to a surface water body;

3. to a surface water sewer, highway drain, or another drainage system;
 4. to a combined sewer.
50. It is, therefore, recommended that a condition be attached to any grant of planning permission requiring a surface water drainage scheme to be submitted that includes details of an investigation of the hierarchy of drainage options in the National Planning Practice Guidance.
51. It is noted that United Utilities records have identified that a public sewer crosses the site and that a wastewater pumping station is located in the vicinity the site. It has been advised that this must not be built over and a no build zone established. United Utilities have concerns regarding the proximity of the proposed development to these assets. To resolve this matter, and to avoid any unnecessary costs or delays to either the applicant or any future developer, it was requested that the applicant seeks to address this matter prior to determination of the application as it could have a bearing on the siting of the dwellings, which could result in the scheme being unimplementable.
52. This, however, is a risk to the applicant and in this instance the applicant has indicated that they are aware that they would need to confirm the location of the pipeline, with a possible diversion required if the asset is likely to be impacted. It is also noted that a no build zone can be established with the wastewater pumping station given the available space at the site.

Sustainability

53. 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.”

54. Given this change, instead of meeting the code level, the Local Planning Authority required that dwellings should achieve a minimum dwelling emission rate of 19% above 2013 Building Regulations in accordance with the transitional provisions. Building Regulations 2022 have now been brought into force and under Part L require a 31% improvement above 2013 Building Regulations. This exceeds the Council’s previous requirement and now supersedes the requirement for a planning condition.

Public open space (POS)

55. 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.
56. However, the National Planning Practice Guidance (NPPG) post-dates the adoption of the Local Plan and states 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.
57. In the determination of planning applications, the effect of the national policy is that although 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 as compared with the new national policy.
58. Consequently, the Council must determine what lower thresholds are appropriate based on local circumstances as an exception to national policies. The Council has agreed to only seek contributions towards provision for children/young people on developments of 10 dwellings or less.
59. There is currently a deficit of provision in Clayton East Brindle and Hoghton 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. The Chorley Open Space, Sports and Recreation Strategy (OSSR) Action Plan 2020 to 2036 identifies KKP ref 1339 Gough Lane for new provision. A section 106 agreement will therefore be required to secure this contribution.

Community Infrastructure Levy

60. 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

61. 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 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: 19/01142/FUL **Decision:** PERFPP **Decision Date:** 11 November 2020
Description: Residential development comprising 6no. dwellings including demolition of existing garden outbuildings and garage

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