

## **APPLICATION REPORT – 22/00748/REMAJ**

**Validation Date: 7 July 2022**

**Ward: Ecclestone, Heskin And Charnock Richard**

**Type of Application: Major Reserved Matters**

**Proposal: Reserved matters application detailing appearance, landscaping, layout and scale, pursuant to outline planning permission 20/01331/OUTMAJ (outline planning application for the construction of up to 80 dwellings with all matters reserved aside from vehicular access from Doctors Lane. The development includes public open space, structural greenspace and surface water attenuation ponds) (Appeal ref: APP/D2320/W/21/3272310).**

**Location: Land At Tincklers Lane Tincklers Lane Ecclestone**

**Case Officer: Mike Halsall**

**Applicant: Redrow Homes Ltd**

**Agent: N/A**

**Consultation expiry: 3 March 2023**

**Decision due by: 30 June 2023 (Extension of time agreed)**

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### **RECOMMENDATION**

1. It is recommended that this application is approved subject to conditions.

### **SITE DESCRIPTION**

2. The application site forms part of a wider parcel of land designated as Safeguarded Land under Chorley Local Plan 2012 – 2026 policy BNE3 (BNE3.7 East of Tincklers Lane, Ecclestone). The site is located to the west of the settlement boundary of Ecclestone which is a Rural Local Service Centre, as defined by policy 1 of the Central Lancashire Core Strategy. The site is comprised of agricultural land and covers an area of approximately 3 hectares.
3. Outline planning application ref. 20/01331/OUTMAJ was granted on appeal in February 2022 for the construction of up to 80 dwellings on this site with all matters reserved aside from vehicular access from Doctors Lane (Appeal ref: APP/D2320/W/21/3272310).
4. There is a S106 legal agreement attached to the outline planning permission requiring:
  - 35% of the total units to be affordable housing with 70% being social housing and 30% intermediate housing;
  - £56,000 for the ten year maintenance of amenity green space;
  - £557 per dwelling for the improvement of natural and semi-natural green space at Rear of Larkfield, Ecclestone;
  - £1,599 per dwelling towards playing pitches at Buckshaw Village, Parklands High School and Holy Cross High School;
  - £6,000 to be paid to Lancashire County Council for the supervision of a Travel Plan;

- A contribution towards secondary school places of £23,016.75 per place (to be re-calculated after the reserved matters consent is granted. The calculation as of May 2021 was £276,741).
5. Since the outline planning permission was granted, a Tree Preservation Order (Chorley BC TOP 3 (Eccleston) 2022) has been confirmed for six trees and two groups of trees on the periphery of the application site.

## **DESCRIPTION OF PROPOSED DEVELOPMENT**

6. The application seeks approval of the reserved matters associated with the above referenced outline planning permission relating to details of appearance, layout, scale and landscaping. Access details were approved as part of the outline consent with vehicular access from Doctors Lane to the south of the site and pedestrian and cycle connections towards the south east, north east and north west corners of the site.
7. Whilst the outline consent was for up to 80 dwellings at the site, the submitted plans identify 65 dwellings, 23 (35%) of which would be affordable, located around a central road with a cul-de-sac arrangements and driveways.
8. There would be 8no. apartment (all affordable), 10no. two-bedroom dwellings (all affordable), 8no. three-bedroom dwellings (5 of which would be affordable), 33no. four-bedroom dwellings and 6no. five-bedroom dwellings. Some properties would have detached garages and some integral ones.
9. Minor alterations have been made to the submitted drawings since their original submission, e.g. to increase garden sizes, the orientation of dwellings, spread of affordable houses, increase in garage sizes and changes to the internal road layout arrangements.

## **REPRESENTATIONS**

10. 18no. representations have been received in objection to the proposal. A summary of the issues raised is provided below:
- Overstretched local resources – doctors, schools etc.
  - Flood risk / drainage
  - Loss of light, privacy and other aspects of residential amenity
  - Highway and pedestrian safety
  - Loss of trees, hedgerows and other habitats
  - Ecological harm
  - Increase in crime, anti-social behaviour and fly tipping
  - The pond could be dangerous
  - Increase in traffic
11. 2no. representations have been received neither in objection nor support of the proposal, stating that CIL money should be directed towards the redevelopment of the recreation park at the end of Drapers Avenue, fewer houses should be proposed so the site is less cramped, and the fencing should include wildlife gates.

## **CONSULTATIONS**

12. Lancashire County Council (Education): Have responded to state that, in accordance with the existing S106 agreement, the developer should inform the County Council within 20 days of the grant of reserved matters consent so that they can calculate the final Secondary Education Contribution.
13. Lancashire County Council Highway Services (LCC Highway Services): Initially responded with no objection to the proposal but requested changes to the submitted drawings, including, but not limited to; parking arrangements amended to ensure adequate off-road parking is provided, changes to the shared pedestrian / cycle use links in the north eastern

and north western corners of the site, details of the advisory cycle route be provided and speed limit extensions, and changes to the internal layout of roads, including vehicle tracking and pedestrian crossing points. The submitted details were amended to the satisfaction of LCC Highway Services who have suggested conditions be attached to the reserved matters consent in relation to the marking out of private parking and manoeuvring areas and securing the future management and maintenance of streets.

14. Council's Tree officer: Have noted that the removal of trees and hedgerows would negatively impact on visual amenity, particularly upon the existing residents near the north eastern site boundary. The proposal includes the removal of two Category B oak trees, 25T is near to a substation and so may have limited long term viability, 15T is a field boundary tree and should be retained where possible. Trees to be retained should be protected to the British Standard during construction work.

It is noted that the applicant's Arboricultural Impact Assessment recommends both trees 25T and 15T are removed to facilitate the development.

15. United Utilities: Have not responded.
16. Lead Local Flood Authority: Initially responded in objection to the proposal and requested pre and post-development site levels and details of how the attenuation tanks will be accessed and maintained. Following a response from the applicant, the Lead Local Flood Authority withdrew its objection.
17. Eccleston Parish Council: Have responded stating they wish to highlight existing problems with surface water flooding in the vicinity of the site during periods of heavy or persistent rainfall and request adequate measures are put in place to alleviate these problems and to ensure the proposed development does not exacerbate the issues.

## **PLANNING CONSIDERATIONS**

### Principle of the development

18. The acceptability of the principle of the development has been established by the grant of outline planning permission. Issues for consideration relate to the appearance, layout, scale and landscaping of the proposal.

### Impact on character and appearance of locality

19. The National Planning Policy Framework (the Framework) attaches considerable importance on achieving good design and a high-quality built environment. It states that planning policies and decisions should respond to local character and history and seek to reinforce local distinctiveness. The importance of high-quality design is reflected in the Central Lancashire Core Strategy (policy 17) and the Chorley Local Plan (policy BNE1). It is considered that detached dwellings of the design proposed on this plot would be appropriate to the character of the area.
20. A wide range of dwelling types and design styles exist in the area. The proposed dwellings are of a modern design and appearance with some interesting features. The materials palette consists of mainly brick elevations and tiled roofs, with some elements of render. The final choice of materials would be agreed through a suitably worded planning condition, as already attached to the outline planning permission.
21. Whilst the density of development is relatively low, it is not considered to be significantly different to other development in the area and is not considered to render the scheme unacceptable.
22. It is accepted that the development would change the character of the area, particularly when viewed from Doctors Lane and Tincklers Lane by urbanising this semi-rural part of Eccleston. Proposed landscaping measures would however help to mitigate this impact to

an acceptable level and the development would be viewed as an extension to the existing built environment.

23. It is considered that the proposed properties in this location would assimilate with the built form of the area. The proposal is considered to be acceptable in terms of character and appearance and complies with policy BNE1 of the Chorley Local Plan 2012 - 2026.

#### Impact on neighbour amenity

24. Policy BNE1 (Design Criteria for New Development) of the Chorley Local Plan 2012 -2026 stipulates that planning permission will be granted for new development, including extensions, conversions and free standing structures, provided that, where relevant to the development the proposal would not cause harm to any neighbouring property by virtue of overlooking, overshadowing, or by creating an overbearing impact; and that the proposal would not cause an unacceptable degree of noise disturbance to surrounding land uses.
25. All separation distances between existing and proposed dwellings meets the Council's minimum interface distances, other than a minor breach between no.109 The Hawthorns and the row of proposed terraces to the east where the interface distance is approximately 20.2m, rather than 21m. However, it is not considered that this would result in any unacceptable impacts upon either the occupants of the existing or the proposed dwellings, given the minor breach and juxtaposition of the properties. There would, therefore, be no unacceptable impact on light, overshadowing, overlooking or loss of privacy on the occupiers of surrounding dwellings as a result of the proposal.
26. The proposed dwellings have been designed in such a way to be compatible with each other without creating an amenity impact of adjacent plots. There would be an adequate degree of screening around the plots.
27. In light of the above, it is considered that the proposal is acceptable in terms of amenity impacts and accords with Policy BNE1 in this regard.

#### Highway safety

28. Policy BNE1 (Design Criteria for New Development) of the Chorley Local Plan 2012 -2026 stipulates that planning permission will be granted for new development, including extensions, conversions and free standing structures, provided that the residual cumulative highways impact of the development is not severe and it would not prejudice highway safety, pedestrian safety, the free flow of traffic, and would not reduce the number of on-site parking spaces to below the standards stated in Site Allocations Policy – Parking Standards, unless there are other material considerations which justify the reduction. The policy is considered to be consistent with the Framework and should be attributed full weight.
29. The outline planning consent, granted on appeal, includes conditions relating to securing on and off-site highway improvement works, as follows:

The offsite highway works conditions covered:

- improvement to 4no. existing bus stops
- extension of 30mph speed limit (with associated gateway, signage and lining)
- signing and lining scheme onto Tincklers Lane for cyclists and pedestrians
- advisory cycle route signage along Tincklers Lane to link into wider cycle network
- Pedestrian crossing points

The internal highway conditions:

- An agreement with LCC as the LHA for adoption of the internal highway
- Estate street phasing and completion plan
- Future management and maintenance details
- Full details of cycle and pedestrian routes to; The Hawthorns, Tincklers Lane and Doctors Lane

- Pedestrian crossing points

A Construction Environmental Management Plan (CEMP) was also conditioned as part of the appeal.

30. LCC Highway Services have responded with no objection to the proposal. Full off-site highway works as detailed above will be subject to a s278 agreement with Lancashire County Council as the Highway Authority.
31. Adequate parking spaces are proposed to serve the development by way of garages, driveway space and parking areas, whilst on-street parking would be acceptable if required without causing any highway safety or traffic issues. It is considered that the surrounding highway network could accommodate the uplift in traffic associated with the delivery of the dwellings and that the residual cumulative impacts on the road network would not be severe. The proposal is considered to be acceptable with regards to highway safety and parking.

#### Impact on trees

32. Policy BNE10 (Trees) of the Chorley Local Plan 2012 -2026 stipulates, among other things, that proposals that would result in the loss of trees, woodland areas or hedgerows which make a valuable contribution to the character of the landscape, a building, a settlement or the setting thereof will not be permitted. Replacement planting will be required where it is considered that the benefit of the development outweighs the loss of some trees or hedgerows.
33. The proposal includes the removal of sections of hedgerow, a group of 3 Hawthorn, part of a group of Willow and 3 early mature Ash. It is noted that a TPO has recently been confirmed by the Council for the protection of some trees and groups of trees to the periphery of the site. It is proposed to remove one of these trees as part of the proposal, 15T, to the western side of the site, to make way for a retaining wall. Whilst the loss of any trees is regrettable, the submitted landscaping scheme identifies the planting of over 100 trees and thousands of shrubs and hedge plants which will adequately compensate for the loss of the small number of existing trees to be removed as part of the proposal.

#### Drainage

34. The submitted drainage details identify that surface water will be attenuated by hydrobrake from a detention tank, prior to discharge into an existing watercourse, and foul water connected to the existing network. The Lead Flood Authority raise no objection to the principle of this strategy. The technical details of the drainage strategy are currently the subject of one of the discharge of conditions applications under consideration by Chorley Council, in consultation with the LLFA. The submitted details are, therefore, considered to be acceptable in this regard, but may be subject to change through the discharge of condition process.

#### Other issues

35. Issues relating to final choice of materials, boundary treatments, ground contamination, on and off-site highway works, site levels, tree protection, construction environmental management, landscape environmental management, ecology (including biodiversity net gain), the delivery of public open space, lighting, dwelling emission rates and site drainage are covered by conditions attached to the outline planning permission. As can be seen from the Planning History section of this report below, discharge of conditions applications are currently under consideration with the Council in relation to the these details.

#### Community Infrastructure Levy

36. 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.

## CONCLUSION

37. The submitted details of reserved matters are considered to be acceptable and the application is recommended for approval.

## RELEVANT HISTORY OF THE SITE

**Ref:** 20/01331/OUTMAJ **Decision:** Approved on appeal **Decision Date:** 18 Feb 2022  
**Description:** Outline planning application for the construction of up to 80 dwellings (including 30% affordable housing) and associated infrastructure, with all matters reserved (aside from vehicular access from Doctors Lane)

**Ref:** 22/00698/DIS **Decision:** PCO **Decision Date:** Pending  
**Description:** Application to discharge conditions no.7 (biodiversity enhancement measures), no.11 (arboricultural method statement and impact assessment), no.13 (existing and proposed ground levels), no.14 (position, layout and phasing of public open space), no.15 (foul and surface water drainage strategy), no.21 (details of cycle and pedestrian routes and connections), no.27 (external facing and roofing materials), no.28 (details of fences, walls and gates), no.29 (hard landscape details) and no.30 (electric vehicle charging scheme) of outline permission ref: 20/01331/OUTMAJ (outline planning application for the construction of up to 80 dwellings with all matters reserved aside from vehicular access from Doctors Lane. The development includes public open space, structural greenspace and surface water attenuation ponds) (Appeal ref: APP/D2320/W/21/3272310)

**Ref:** 22/00721/DIS **Decision:** PCO **Decision Date:** Pending  
**Description:** Application to discharge conditions no.5 (construction environmental management plan (CEMP: Biodiversity)), no.6 (reasonable avoidance measures method statement), no.8 (landscape and ecological management plan (LEMP)), no.12 (non-native species protocol), no.16 (surface water regulation system and means of disposal), no.17 (management of surface water and pollution prevention), no.19 (scheme for the disposal of foul waters), no.26 (construction environmental management plan (CEMP)), no.32 (employment and skills plan) and no.33 (strategy to facilitate super-fast broadband for future occupants) of outline permission ref: 20/01331/OUTMAJ (outline planning application for the construction of up to 80 dwellings with all matters reserved aside from vehicular access from Doctors Lane. The development includes public open space, structural greenspace and surface water attenuation ponds) (Appeal ref: APP/D2320/W/21/3272310)

**Ref:** 23/00141/DIS **Decision:** PCO **Decision Date:** Pending  
**Description:** Application to discharge conditions no.20 (scheme for the construction of site access and the off-site highway mitigation works), no.22 (engineering, drainage and constructional details for roads to be adopted) and no.23 (estate street phasing and completion plan) of outline permission ref: 20/01331/OUTMAJ (outline planning application for the construction of up to 80 dwellings with all matters reserved aside from vehicular access from Doctors Lane. The development includes public open space, structural greenspace and surface water attenuation ponds) (Appeal ref: APP/D2320/W/21/3272310)

**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 condition

1. The proposed development must be begun not later than three years from the date of this permission.

*Reason: Required to be imposed by Section 51 of the Planning and Compulsory Purchase Act 2004.*

2. The development hereby permitted shall be carried out in accordance with the approved plans below:

<b>Title</b>	<b>Plan Ref</b>	<b>Received On</b>
Location Plan	LC-01	7 July 2022
Detailed Site Layout	DSL-01 Rev D	23 January 2023
Landscape Proposal Full Site Masterplan	6402.06 Rev B	5 June 2023
Landscape Proposal Sheet 1 of 3	6402.03 Rev B	5 June 2023
Landscape Proposal Sheet 2 of 3	6402.04 Rev B	5 June 2023
Landscape Proposal Sheet 3 of 3	6402.05 Rev B	5 June 2023
Boundary Treatment Layout	4353-BTL-01 Rev D	23 January 2023
Dart 5 Block Floor Plans	N/A	23 January 2023
Dart 5 Block Front and Rear Elevations	N/A	23 January 2023
Dart 5 Block Side Elevations	N/A	23 January 2023
Overton Floor Plans and Elevations	N/A	23 January 2023
The Tavy 6 Block Floor Plans	N/A	23 January 2023
The Tavy 6 Block Side Elevations	N/A	23 January 2023
The Tavy 6 Block Front and Rear Elevations	N/A	23 January 2023
The Weaver Plots 11-14 Floor Plans	N/A	23 January 2023
The Weaver Plots 11-14 Elevations	N/A	23 January 2023
Hampstead Floor Plans	N/A	7 July 2022
Hampstead Elevations	N/A	7 July 2022
Harrogate Floor Plans and Elevations	N/A	7 July 2022
Henley Floor Plans	N/A	7 July 2022
Henley Elevations	N/A	7 July 2022
Leamington Lifestyle Floor Plans and Elevations	N/A	7 July 2022
Ledsham Floor Plans	N/A	7 July 2022
Ledsham Elevations	N/A	7 July 2022
Marlow Floor Plans and Elevations	N/A	7 July 2022
Oxford Lifestyle Floor Plans and Elevations	N/A	7 July 2022
Shaftesbury Floor Plans and Elevations	N/A	7 July 2022
Garage	SGS_002	7 July 2022
Garage	DGD_001	7 July 2022
Refuse Vehicle Swept Paths	VSP-1 Rev A	13 April 2023
Affordable Layout	AL-01 Rev E	15 February 2023
Highway Materials Layout Sht 1	103-1 Rev D	23 January 2023
Land Disposal Layout	4353-LDL-01 Rev D	23 January 2023
Materials Layout	4353-ML-01 Rev D	23 January 2023
S38 Layout Phase 1	105-1 Rev E	23 January 2023
Fire Engine Vehicle Swept Paths	VSP-2	23 January 2023
Waste Management Layout	4353-WML-01 Rev D	23 January 2023
The Weaver Plots 42-45 Elevations	N/A	23 January 2023
The Weaver Plots 42-45 Floor Plans	N/A	23 January 2023

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

3. The private car parking and manoeuvring areas shall be marked out in accordance with the approved plans before occupation of the associated dwellings and permanently maintained thereafter.

*Reason: To allow for the effective use of the parking areas.*

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

*Reason: To ensure that provision is made for the future management and maintenance of the proposed streets.*