

APPLICATION REPORT – 23/00564/FUL

Validation Date: 10 July 2023

Ward: Clayton West And Cuerden

Type of Application: Full Planning

Proposal: Application for technical details consent for the erection of four dwellings pursuant to permission in principle 22/00765/PIP

Location: Land Opposite Hampton Grove Wigan Road Clayton-Le-Woods

Case Officer: Mr Iain Crossland

Applicant: Mr Shah

Agent: Mrs Claire Wilkinson

Consultation expiry: 15 September 2023

Decision due by: 4 September 2023

RECOMMENDATION

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

SITE DESCRIPTION

The application site is an open field that is located on the western side of Wigan Road, Clayton-le-Woods and is in the Green Belt. The site sits between the residential properties known as 'Thorntree House' to the north and 'Congham House' (or The Woodlands) to the south. The application site has a frontage to Wigan Road and has been previously used for the temporary siting of a mobile sales unit and associated car parking for the housing development to the east of Wigan Road.

Immediately beyond Thorntree House to the north is a cluster of commercial development comprising Bangla Spice Restaurant, Thorntrees Car Garage and Armlee Nurseries. Planning permission was recently granted for the change of use of the car garage to three retail units including a neighbourhood Co-Op store (20/01277/FUL). To the north-west, behind the garden area of Thorntree House, is a further commercial building.

Directly opposite the site on the eastern side of Wigan Road are the newly constructed residential developments forming part of an allocated development site HS1.31 (Burrows Premises) and HS1.32 (Land to the East of Wigan Road) within the local plan. This has resulted in an extensive major development opposite the site.

Running parallel with the southern boundary of the site are the rear gardens of the residential properties located along Moss Lane, whose character is that of large detached dwellings of individual design set in large gardens with mature trees and landscaping.

The application site and open land beyond to the west are not associated with a farm and are currently unused. On the western side of the field is a further plot of open land between the field and the M6 motorway, beyond which is the urban area of Leyland.

The character of the area is one of urban residential development having evolved rapidly over recent years from a previous situation of urban rural fringe prior to the substantial delivery of the local plan allocations.

It is noted that a permission in principle application for the erection of up to two dwellings at this site was allowed on appeal (ref. APP/D2320/W/21/3282134) in April 2022 following the Council's decision to refuse permission, and that a subsequent permission in principle application for a maximum of four dwellings (ref. 22/00765/PIP) was approved by the Planning Committee in September 2022.

DESCRIPTION OF PROPOSED DEVELOPMENT

This application seeks technical details consent for the erection of four dwellings pursuant to permission in principle 22/00765/PIP. The proposed dwellings are large detached properties of a modern design style within a traditional form and comprise two different house types. Two of the dwellings would be set either side of an internal access road facing onto Wigan Road, whilst the remaining two would be set to the rear of these dwellings facing one another with the internal access road between. There would be a turning head at the end of the access road.

REPRESENTATIONS

One letter of objection has been received raising the following issues:

- Loss of open Green Belt land.
- The development will not address housing needs in the area.
- Highway safety impact
- Ecological impacts and loss of wildlife

CONSULTATIONS

Greater Manchester Ecology Unit: The development results in a small loss of biodiversity, and therefore off-site compensation should be provided. No other significant ecological issues were identified by the ecological consultant.

Lancashire Highway Services: does not have any objections regarding the proposed application for technical details consent for the erection of four dwellings pursuant to permission in principle 22/00765/PIP and are of the opinion that the proposed development will not have a significant impact on highway safety, capacity or amenity in the immediate vicinity of the site.

United Utilities: A condition is recommended requiring details of a sustainable surface water drainage scheme and a foul water drainage scheme.

Clayton-le-Woods Parish Council: No comments have been received.

PLANNING CONSIDERATIONS

Principle of development

The acceptability of the principle of residential development for up to four dwellinghouses on the site has been established through the grant of permission in principle 22/00765/PIP.

Impact on character and appearance of locality

The application site is located on a parcel of land between 'Thorntree House' to the north and 'Congham House' (or The Woodlands) to the south and with a frontage along Wigan Road opposite Hampton Grove. As such the site is prominent from the public highway. The site is currently open grassland with a low boundary hedge adjacent to the highway and is therefore somewhat featureless at present.

The proposed development comprises four large detached dwellings comprising two house types. The proposed house types are of a contemporary design style with large areas of glazing utilising a traditional building form with dual pitched roof and gable features. No materials details are provided at this stage and therefore it is recommended that these be required by condition.

The design of existing dwellings in the locality is generally of a traditional design style utilising red brick, with some examples of render being used. Many of the dwellings are detached and in particular it is noted that Thorntree House to the north and Congham House to the south are large detached properties. There are numerous examples of large detached properties to the south of the site on Wigan Road and Moss Lane. On this basis the proposed dwelling types would be of a scale and form reflective of the prevailing character of the area.

Two of the dwellings at plots 1 and 2 would be set either side of an internal access road facing onto Wigan Road, whilst the remaining two would be set to the rear of these dwellings facing one another with the internal access road between. The two proposed dwellings fronting Wigan Road would be highly prominent although they would be set back within the site with gardens between the dwellings and the highway. There is not a defined building line along the west side of Wigan Lane, although the positioning would be broadly in line with the buildings that do exist to the north and south. The positioning facing onto Wigan Road would help to establish an active street frontage and would reflect the pattern of development along Wigan Road in this locality.

The two proposed dwellings at plots 3 and 4, to the rear of those on the frontage, would face onto the access road, which is an appropriate arrangement which would help to establish an active frontage to the new highway and would reflect the pattern of development at Hampton Grove opposite the site, which is an appropriate response. There would be a suitable dwelling to plot ratio similar to that of nearby properties.

There would be a 0.6m high wall facing the highway at Wigan Road, with a newly planted hedgerow behind. No details of the wall have been provided at this stage, however, the adjacent property to the north has a red brick wall to the frontage and therefore a continuation of this wall, or something similar, would not be out of keeping subject to final details. It is proposed to include a hedge on the inside and this is considered to be a suitable form of boundary treatment that would help to frame the development and would not be harmful to the character of the area. It is recommended that final details of the wall and all other boundary treatments are required by condition given the absence of details at this stage.

On the basis of the above, the proposed development is appropriate in the context of the site and surrounding development and would not be detrimental to the character of the locality given the design and positioning of the dwellings. The development, therefore, complies with policy BNE1 of the Chorley Local Plan 2012 - 2026.

Impact on neighbour amenity

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.

There are existing dwellings to the north and south of the site. The proposed dwellings at plots 2 and 3 would comply with all interface distances in relation to Congham House to the south, whilst the proposed dwellings at plots 1 and 4 would be to the south of Thorntrees and would comply with all interface distances in relation to this property.

The relationships between the proposed properties themselves complies with the interface guidelines, other than the rear windows to habitable rooms at first floor in plots 1 and 2 being less than 10m from the garden boundaries of plots 3 and 4. This would result in some level of overlooking and compromised privacy for the eventual occupiers of plots 3 and 4, however, it would not be so harmful that it would warrant the refusal of planning permission as the windows largely face the side garden rather than the rear and most private areas. Whilst this would be the case, the eventual occupiers would secure the properties in the full knowledge of the relationship between the dwellings.

It is not considered that there would be any detrimental impact on the amenity of the occupiers of nearby residential dwellings, whilst there would be no unacceptably detrimental impacts on the amenity of future occupiers. The development, therefore, is considered to comply with policy BNE1 of the Chorley Local Plan 2012 - 2026.

Highway safety

Wigan Road at this location is the A49 and carries a high volume of vehicle traffic. There is a footway on the opposite side of the road to the site. The road is lit by a system of street lighting and has a 40mph speed limit. Over recent years there has been significant residential development opposite the site with the installation of a new roundabout and a new convenience store to the north of the site. To the south of the site is a signalled pedestrian crossing which leads to a pedestrian and cycle underpass for the M6 motorway.

LCC Highway have assessed the proposal and initially raised a concern that the sightline splays could not be achieved with the high hedges in third party land to the south of the site. It was therefore requested that the applicant demonstrate visibility sightline splays to an appropriate standard. It was also requested that from the proposed footway the southerly extents, a 2m wide grass verge to the substation be dedicated as highway. Tactile crossing points in both sides of Wigan Road were requested.

The proposal originally included a gate across the access. There was a highway safety concern with a vehicle entering the site and with no turning head having to reverse out onto the A49. It was therefore requested that a turning head be shown or the gates removed.

The existing field gate access will require reinstating to footway and full-face kerbs etc. This with the other requested off site highway works, including the proposed access, is required to be constructed under a s278 agreement.

The applicant provided a revised site layout plan and sight line plan in response to the concerns raised. Drawing No 1416-PL05 Sight Lines shows the previously requested sight line splays can be achieved. It is recommended that these be secured by condition. Drawing No 1416-PL03E Proposed Site Layout shows the gate across the estate removed, the reinstatement of the existing gate and grass verge and kerblines. The footway across the full frontage of the site to the sub-station is considered to be acceptable.

The layout of the plots shows that they can accommodate more than three cars off the Highway, which meets the recommended car parking standards in the Chorley Local Plan, whilst the turning head is acceptable.

On this basis LCC Highways does not have any objections and are of the opinion that the proposed development will not have a significant impact on highway safety, capacity or amenity in the immediate vicinity of the site.

Ecology

The developer's ecological consultant identified no significant ecological issues, which has been considered and assessed by the Council's ecology advisors the Greater Manchester Ecology Unit (GMEU). It is considered that issues relating to nesting birds and biodiversity enhancement measures can be resolved via condition and / or informatives.

No evidence of any protected species was found, with bats and badger assessed as potentially utilising the site as foraging habitat. Whilst a precautionary survey for badger has been recommended prior to development (if permission was granted) within the ecological report, the Council's advisor is satisfied that the risk is very low and that all that is required is an informative reminding the applicant of the Protection of Badgers Act 1992.

Trees, scrub and hedge are to be removed, which provide potential bird nesting habitat. As all British birds nests and eggs (with certain limited exceptions) are protected by Section 1 of the Wildlife & Countryside Act 1981, as a precaution it is recommended that a condition be attached to any grant of planning permission preventing works to trees or shrubs between 1 March and 31 August in any year unless a detailed bird nest survey by a suitably experienced ecologist has

been carried out immediately prior to clearance and written confirmation provided that no active bird nests are present which has been agreed in writing by the Local Planning Authority.

Section 174 of the Framework states that the planning policies and decisions should contribute to and enhance the natural and local environment. The development will result in the loss of low ecological value grassland to buildings and gardens, with species impacts limited to nesting birds. A biodiversity metric has been provided, the baseline and post development values appearing reasonable. This has predicted a loss of 0.39 biodiversity units (BU) and a shortfall of 0.49 BU to achieve 10% net gain. A net gain for hedge provision has been achieved and it is recommended that the provision of bird boxes on each dwelling should be conditioned.

There is no real scope on-site to provide more mitigation as whilst more trees could be planted, they would still be regarded as part of the vegetated garden and not provide any additional biodiversity unit value. It is therefore recommended that off-site compensation is provided, which given the small number of units involved would be better achieved through a financial contribution via a section 106 for expenditure on grassland creation or enhancement. A figure of £8000 is considered to be appropriate by the Council's ecology advisor and has been agreed by the applicant. A section 106 agreement would be required to secure this application in order to mitigate the harm to biodiversity.

On this basis the proposed development is considered to comply with policy BNE9 of the Chorley Local Plan 2012 – 2026.

Flood risk and drainage

In accordance with the National Planning Policy Framework (NPPF) 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.

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.

The applicant has not provided a surface water drainage scheme or demonstrated robust evidence that the drainage hierarchy has been thoroughly investigated at this stage. 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 provides an investigation of the hierarchy of drainage options in the National Planning Practice Guidance.

Public open space (POS)

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.

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.

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.

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.

There is currently a deficit of provision in Clayton West and Cuerden in relation to provision for children/young people, and a contribution towards new provision in the Clayton West and Cuerden ward is therefore required from this development. The amount required is £134 per dwelling. The applicant has agreed to provide this contribution, which should be sought through a s106 agreement.

Community Infrastructure Levy

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

The acceptability of the principle of developing four dwellings at the site has already been established through the grant of permission in principle. In the assessment of this application it is considered that the proposed development would have no detrimental impact on the character of the area or neighbour amenity and would not give rise to undue harm to ecology, drainage or highway safety.

RELEVANT HISTORY OF THE SITE

Ref: 18/00398/FUL **Decision:** PERFFP **Decision Date:** 31 August 2018
Description: Siting of temporary mobile sales unit, new site access road and associated car parking.

Ref: 18/00399/ADV **Decision:** PERADV **Decision Date:** 5 July 2018
Description: Application for advertisement consent for externally illuminated 'V' stack sign and flag poles.

Ref: 21/00557/PIP **Decision:** REFPIP **Decision Date:** 9 July 2021
Description: Permission in principle application for the erection of up to two dwellings

Ref: 22/00765/PIP **Decision:** PERPIP **Decision Date:** 23 September 2022
Description: Permission in principle application for a minimum of one dwelling and a maximum of four dwellings

Ref: 22/01164/PIP **Decision:** REFPIP **Decision Date:** 9 December 2022
Description: Permission in principle application for a minimum of six dwellings and a maximum of nine dwellings

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.

Planning conditions to follow in the addendum report