

**Item 4k**                      **12/01150/FUL**

**Case Officer**              **David Stirzaker**

**Ward**                         **Chorley East**

**Proposal**                    **Erection of two detached dwellings on land presently used as a recreation ground**

**Location**                   **Play Area South Of 44 Canal Walk Chorley**

**Applicant**                 **Places For People**

**Consultation expiry:** **8 March 2013**

**Application expiry:** **27 March 2013**

### **Proposal**

1. This application, submitted by Places for People, proposes the erection of 2 no. detached dwellings on land located at the southern end of Canal Walk which is within the settlement of Chorley.
2. Each of the dwellings will have 5 bedrooms spread over 3 floors and an integral double garage. Access to the site is via Canal Walk and the dwellings face east with the rear gardens located to the west of the dwellings.
3. The application site comprises an area of open grassed space which is bounded by The Moorings and 44 Canal Walk to the north. The site did previously include play equipment but this has been removed in the past. The site slopes from west to east wherein there is a fall across the site of approximately 2m.

### **Recommendation**

4. It is recommended that this application is granted conditional outline planning approval subject to the associated Section 106 Agreement

### **Main Issues**

5. The main issues for consideration in respect of this planning application are:
  - Principle of the development
  - Density
  - Levels
  - Impact on the neighbours
  - Design
  - Open Space
  - Trees and Landscape
  - Ecological Impacts
  - Flood Risk
  - Traffic and Transport
  - Contamination and Coal Mines
  - Drainage and Sewers

### **Representations**

6. Letters of objection have been received from 8 local residents, the contents of which can be summarised as follows: -
  - The proposals will seriously infringe on our property

- With a Family with 4 Small Children I object to the loss of the safe recreation area as there is no safe Play area next to our property only at the end of Grey Heights View, which is over whelmed with teenagers drinking and swerving at passers by
- The recreation area as it is a joy for my family to enjoy family activities together
- The loss of this area would mean a safe playing area is taken from us
- Also access to the propose houses would mean cars passing our house and would become a big safety hazard for my children
- Also it would mean the loss of privacy with my garden being overlooked and day light obscured
- Tatton Recreation Ground is too far away
- There is no demand for extra houses the Morris Homes development across the road can't sell!
- Places for people have upped charges on the estate and have the nerve to sell recreation land that we pay to use?
- There is a high demand for the use of this field for the children on the estate there are a lot of families on canal walk, grey heights and the moorings I know because I live directly next to the field and see them on it.
- Despite the lack of care Places For People (PfP) have given to this site it is a well-used community facility and the only place for children to safely play in the local area.
- PfP sold my house to me by featuring the play facilities available i.e. this site. As an alternative Tatton Rec is too far for children to go (across a busy road) & the area at the end of Grey Heights View is too small & only suitable as a rest area although being well maintained.
- By selling the land to another developer PfP have abdicated their responsibility to the local community & did not notify anyone of their intent - ground maintenance fees have increased despite offloading this valuable community asset.
- This blatantly contradicts their stated corporate responsibility & I believe that through their greed we could be denied a valuable community play facility which would leave many children with the only option of playing in the streets. We must not lose another play area.
- The play area should remain as a safe haven for children to play as it was originally designed. The area has enough houses, specifically those across the canal. The area is also chock full of vehicles and this is only going to make that situation worse.
- Places for People raise fees year on year but the money is used mainly for administration, certainly nothing we can see. They have not even had the decency to write to the local residents about this.
- I use the play area with my grandchildren; along with walking by the canal. I moved here because I like the greenery and the wildlife.

7. No letters of support have been received

### Consultations

8. **The Canal and River Trust** do not raise any objections and recommend an informative advising the applicant to contact the Canal and River Trust before works commence to ensure any necessary consents are secured.
9. **The Architectural Design and Crime Reduction Advisor** does not raise any objections subject to suitable rear boundary fencing to 1.8m high, suitable rear lighting to BS5489 and suitable external doors to PAS 24 standard.
10. **Director People and Places** does not raise any objections in relation to waste storage and collection issues on this site. In terms of ground contamination, an informative is recommended advising that the applicant submits to the Local Planning Authority a report to identify any potential sources of contamination on the site and where appropriate, necessary remediation measures.
11. **United Utilities** do not raise any objections and recommend that if possible the site should be drained on a separate system, with only foul drainage connected into the foul sewer. Surface water should discharge to the soakaway/watercourse/surface water sewer and may require the consent of the Local Authority. If surface water is allowed to be discharged to the

public surface water sewerage system we may require the flow to be attenuated to a maximum discharge rate determined by United Utilities.

12. The **Streetscene Assistant Manager** does not raise any objections to the application but recommends that the boundary fence should be sited 2m from the trees at the back of the site.
13. **Lancashire County Council (Highways)** do not raise any objections to the application.

## **Assessment**

### Principle of the development

14. The application site is presently a rectangular area of open space located at the southern end of Canal Walk, Chorley. In the Local Plan, the site is part of the GN1 main Chorley settlement. The play equipment on the site has been removed and all that remains is the safety surfacing underneath. The rest of the site is grassed. The Open Space Study does not identify the site as a play area given the equipment has been removed and it is no longer being used as such. Given the last use of the site, the pertinent Policy in the Local Plan is Policy LT14. As there is currently a deficit of equipped play areas in the Chorley East ward in relation to the current Local Plan standard of 0.25 hectares per 1,000 population, in order for this proposal to be acceptable 'in principle', an equivalent or enhanced new facility must therefore be provided to serve the catchment in accordance with criterion ii) of Policy LT14.
15. Policy HW2 of the emerging Chorley Local Plan is also pertinent although it cannot be afforded as much weight as Policy LT14. Policy HW2 protects existing open space, sport and recreational facilities unless alternative facilities of an equivalent or enhanced standard are provided nearby before the existing facility ceases to be available or it can be demonstrated that the loss of the site would not lead to a deficit of provision in the local area in terms of quantity and accessibility; and the site is not identified as being of high quality and/or high value in the Open Space Study; and it can be demonstrated that retention of the site is not required to satisfy a recreational need in the local area; and the site does not make a significant contribution to the character of an area in terms of visual amenity.
16. With regards to Policy HW2, a commuted sum payment of £6091.20 will enable the provision of an alternative equipped play area to be provided in Chorley East Ward. Also, the site is not identified in the Open Space Study and it is considered that the site is not required to satisfy a recreational need in the local area. In terms of visual amenity, there is no longer any equipment on the site other than the surface below the play equipment. The rest of the site is grassed over although it is fenced off to the north and there is a bund to the south so it is not considered that the site makes a significant contribution to the character of the area. There is also a further existing play area located at the northern end of Canal Walk approximately 220m north of this site.
17. As stated, the cost of an equivalent facility is £6091.20 so a requirement for this sum to be paid to the Council will be set out in a S106 agreement. This money can then be used to cover the cost of providing a similar equipped play facility to mitigate the loss of the one which formally sat on this site. Subject to securing this sum of money to cover the cost of an alternative site, it is considered that the principle of the proposed dwellings on this site is an acceptable one.

### Density

18. The site extends to an area of 1045 square meters or just over 0.1 hectares. The density therefore equates to 19 dwellings per hectare. The development to the north is at a slightly higher density although the development to the east (Rivington View) does include areas of large detached properties of a similar density to that proposed. Therefore, it is not considered that the density of the development proposed is dissimilar to the density of the modern developments to the north and east hence is considered to be acceptable.

### Levels

19. The site slopes from west to east with a fall of approximately 2m across the site. The slab levels of the dwellings are detailed on the proposed site plan and have been reduced by 1m

from 96.6m to 95.6m to reduce the impact of the dwellings. The dwellings will therefore utilise some cut and fill works but they will not sit significantly above the existing ground level of the site on which they are proposed. The relationship with the dwellings to the north of the site is considered to be acceptable and is examined in more detail in the next section of this report.

#### Impact on the neighbours

20. The properties most affected by the proposed dwellings are located to the north of the application site. Immediately north is 44 Canal Walk, the gable end of which faces the northern boundary of the site. Behind this property to the west are a pair of semi-detached properties (1 and 2 The Moorings) and the rear elevation of these properties face the site. The slab level of 1 and 2 The Moorings is approximately 1.5m above that of the proposed dwellings and 1 The Moorings is presently being extended with a two storey side and single storey rear extension which will project 3m from the rear elevation of the property. The windows in this ground floor extension will be 11.5m from the side elevation of plot 1. This distance is sufficient to safeguard the amenities of the occupiers of 1 The Moorings, more so given the slab level of plot 1 will be 0.5m below that of 1 The Moorings.
21. The slab level of 44 Canal Walk is approximately 0.8m below the level of the proposed dwellings. The proposed dwellings originally had a slab level 1.8m higher than 44 Canal Walk but this has been reduced to improve the relationship between 44 Canal Walk and the proposed properties.
22. The rear of 44 Canal Walk faces the same direction as the rear of the proposed properties and the gable end of 44 Canal Walk contains only secondary windows to a lounge and kitchen/dining room at ground floor which look out onto a timber boundary fence which demarcates the boundary between this property and the site. The proposed dwelling on plot 1 will be located at its nearest point 12m south of 44 Canal Walk wherein the front elevation of plot 1 lines through with the rear elevation of this property. This offset relationship means that the difference in levels of 0.8m between the two properties would not result in the dwellings causing detrimental harm to the living conditions of the occupiers of 44 Canal Walk in terms of outlook, natural light and overshadowing.
23. There are windows in the gable end of plot 1 and these serve a WC at ground floor level and stairs at first and second floor level. A condition will require these windows to be fitted with obscure glazing and be non-opening to mitigate overlooking and therefore protect the amenities of the occupiers of 44 Canal Walk and 1 The Moorings.

#### Design

24. The dwellings have been designed to be modern in character incorporating accommodation over 3 floors. The roof plane incorporates a dormer window in the front and roof lights in the rear to provide light to the bedroom. At the side of each property is an attached garage and each property also has a chimney which adds interest to the overall appearance of each dwelling. The modern design of the dwellings means they will sit comfortably alongside the existing modern development running along Canal Walk to the north.
25. Having accommodation over 3 floors results in the scale of the dwellings being greater than those on Canal Walk to the north. However, the design characteristics means the dwellings will sit comfortably alongside the properties to the north and suitable materials will ensure further that the proposed dwellings do not appear incongruous in the streetscene.
26. Each property will have a sufficiently sized garden to meet the needs of each household. Due to the proposed slab levels of the dwellings, retaining walls will be required to the rear and sides of the properties so the details of these can be secured via suitably worded conditions.

#### Open Space

27. As already stated, the application site is an area of open space at the end of Canal Walk. The site did previously accommodate play equipment but this has now been removed from the site. The Open Space Study has not identified the site as a play area as a result of this and the site is also washed over by the general settlement Policy GN1. However, Policy LT14 of

the Local Plan is applicable as its last use was as a play area so the S106 agreement will include the requirement for the applicant to pay the Council a commuted sum of £6091.20 to enable the provision of a replacement facility.

### Trees and Landscape

28. There are trees to the western boundary of the site which are to be retained and a condition is recommended requiring full details of the fence construction to ensure the health of the trees is not damaged by the fencing adjacent to them. There are also smaller less mature trees adjacent to the access point into the site from Canal Walk that will be removed. However, these do not make a significant contribution to the character and appearance of the locality that they should be made the subject of a Tree Preservation Order and therefore prevent the development taking place. A condition requiring the submission of a landscaping scheme is recommended to ensure the development provides some replacement planting to mitigate the loss of the trees to facilitate access to the site.

### Ecological Impacts

29. The applicant has submitted an Ecological Appraisal for the site. This concludes that whilst none of the habitats on the site are of particular ecological significance, trees and scrub do provide suitable habitat for nesting birds. The report also states that there is a pond within 150m of the site which is separated by the Leeds – Liverpool Canal and two minor roads. The pond is considered to be of average suitability for great crested newts. However, due to the largely low level habitat present within the application site and the abundance of high value terrestrial habitat adjacent to the pond and the surrounding landscape adjacent to the canal, it is considered unlikely that great crested newts would be present in the application site so the likelihood of an offence being committed in respect of this species is extremely unlikely. Therefore no further survey is recommended.

30. The Ecological Appraisal recommends mitigation in the form of works taking place outside of the bird breeding season (March to July inclusive) and if this is not possible, a suitable ecologist should check for breeding bird activity not more than 48 hours before any clearance works. If nesting birds are present they should be left in situ until all dependent young have left the nest.

31. Natural England Standing Advice recommends the use of an informative when determining an application which is accompanied by a report which does not identify that protected species are using the site. This is the case with the application site as the report concludes that it is highly unlikely that great crested newts would be present on the site. In respect of breeding birds, whilst it is considered that the habitats on the site would be suitable for breeding birds, mitigation measures in the form of checking for breeding birds before works start would ensure they are not disturbed. A condition is therefore recommended to require a check to be undertaken if works are to start between March and August (inclusive) and the details of the check to be submitted to and approved in writing by the Council.

### Flood Risk

32. The application site is outside of Flood Zones 2 and 3 so a Flood Risk Assessment is not required to accompany the application nor is consultation with the Environment Agency required. On this basis, there are no concerns with regards to flooding.

### Traffic and Transport

33. Each property will benefit from adequate off road car parking. At the front of each property there are 2 off road spaces and each property also has an integral double garage. A turning head is incorporated into the layout and vehicles will be able to enter and leave the site in a forward gear. LCC (Highways) do not raise objections to the application.

### Public Right of Way

34. There is a path at the eastern end of the site but this is not a public right of way. It appears on site that this is an informal means of cutting through to Haworth Road to the south through a fence. The proposed site plan does not propose the retention of this informal path through to Haworth Road to the south. However, access is still available to Haworth Road via the canal towpath.

### Contamination and Coal Mines

35. The Waste and Contaminated Land Officer recommends that due to the sensitive end-use of the development (residential housing with gardens), the applicant should submit to the Council a report to identify any potential sources of contamination on the site and where appropriate, necessary remediation measures. An informative is recommended drawing the applicant's attention to this matter.
36. In terms of coal mines, the application site is in a low risk area so an informative is recommended drawing the applicant's attention to the possible risk from coal mines.

### Drainage and Sewers

37. United Utilities advise that if possible, the site should be drained on a separate system, with only foul drainage connected into the foul sewer whilst surface water should discharge to the soakaway/watercourse/surface water sewer and may require the consent of the Local Authority. United Utilities also advise that if surface water is allowed to be discharged to the public surface water sewerage system we may require the flow to be attenuated to a maximum discharge rate determined by United Utilities.

### Section 106 Agreement

38. A S106 agreement is required to secure a commuted sum payment towards the provision of off-site play area provision and improvements along with a payment of £6091.20 to enable the provision of a new play facility in lieu of the facility which formerly occupied the application site.

### **Overall Conclusion**

39. Subject to the payment of the commuted sum to cover the cost of a replacement play area, the 'principle' of the dwellings on this site is considered to be an acceptable one.
40. The design and scale of the dwellings are considered to be acceptable in terms of how they will relate to the locality and reduction in the proposed slab levels of the dwellings will ensure they do not harm the character and appearance of the locality and the amenities of neighbours. There are no objections from LCC (Highways) as adequate off road parking proposed to serve the properties and likewise, there are no concerns with an additional 2 dwellings being served by Canal Walk. Subject to the recommended conditions and the signing of a S106 agreement, it is recommended that planning permission be granted for the proposed dwellings.

### **Other Matters**

#### Sustainability

41. In line with Policy 27 of the Core Strategy, the dwellings will be required to be constructed to meet Level 4 of the Code for Sustainable Homes and conditions are recommended requiring this to be the case.

#### Waste Collection and Storage

42. The site layout contains adequate space for the storage of waste bins and kerbside collection will be achievable adjacent to the dwellings at the end of Canal Walk. No objections have been raised by the Waste and Contaminated Land Officer.

### **Planning Policies**

#### National Planning Policies:

National Planning Policy Framework (NPPF)

#### Adopted Chorley Borough Local Plan Review

Policies: GN1 / GN5 / HS4 / HS6 / HS21 / TR4 / LT14

Supplementary Planning Guidance:

- Design Guide

Joint Core Strategy

- Policy 1
- Policy 4
- Policy 5
- Policy 17
- Policy 22
- Policy 27

Publication Version of Chorley Local Plan (2012)  
ST4 / HS4A / HS4B / BNE1 / BNE9 / BNE10 / HW2

**Planning History**

97/00499/FUL - Erection of 18 houses, formation of children's play area and footpath link to Portsmouth Drive – Permitted on 05/11/1997

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

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 hereby permitted shall be carried out in accordance with the following approved plans:

| Title                  | Plot   | Drawing Reference | Received date    |
|------------------------|--------|-------------------|------------------|
| Location Plan          | -----  | P3561 001         | 26 November 2012 |
| Topographical Survey   | -----  | SSL:14916:200:1:1 | 26 November 2012 |
| Site Plan Existing     | -----  | P3561 001         | 26 November 2012 |
| Site Plan & Elevations | -----  | P3561 - 002 B     | 25 March 2013    |
| House Type Plans       | Plot 1 | P3561 - 003       | 26 November 2012 |
| House Type Elevations  | Plot 1 | P3561 - 004       | 26 November 2012 |
| House Type Elevations  | Plot 2 | P3561 - 005       | 18 December 2012 |
| House Type Elevations  | Plot 2 | P3561 – 006       | 18 December 2012 |

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

3. A scheme for the landscaping of the development and its surroundings shall be submitted prior to the commencement of the development]. These details shall include 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 and proposed garden levels. The scheme should include a landscaping/habitat creation and management plan which should aim to contribute to targets specified in the UK and Lancashire Biodiversity Action Plans. Landscaping proposals should comprise only native plant communities appropriate to the natural area.  
All hard and soft landscape works shall be carried out in accordance with the approved details within 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.  
*Reason: To ensure that a satisfactory landscaping scheme for the development is carried out to mitigate the impact of the development and secure a high quality design.*

4. Prior to the commencement of development samples of all external facing and roofing materials (notwithstanding any details shown on previously submitted plan(s) and specification) shall be submitted to and approved in writing by the Local Planning Authority. All works shall be undertaken strictly in accordance with the details as approved.  
*Reason: To ensure that the materials used are visually appropriate to the locality.*
5. Before the development hereby permitted is first commenced, full details of the alignment, height and appearance of all fences and walls (including retaining walls) and gates to be erected (notwithstanding any such detail shown on the approved plans) shall have been submitted to and approved in writing by the Local Planning Authority. The submitted fencing scheme shall include details of how the fencing adjacent to the trees on the eastern boundary will be installed in a manner which safeguards the health of these trees. 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 and all fences, gates and walls shall be retained and maintained as such at all times thereafter.  
*Reason: To ensure a visually satisfactory form of development and to provide reasonable standards of privacy to residents.*
6. No dwellings hereby permitted shall be occupied until the means of vehicular access and the footway has been constructed in accordance with the approved plans.  
*Reason: In the interests of highway and pedestrian safety*
7. Notwithstanding the provisions of the Town and County (General Permitted Development) Order 1995 (as amended), the integral garages shall not be converted to living accommodation.  
*Reason: In order to safeguard the residential amenity and character of the area and in the interest of highway safety.*
8. The dwellings shall be constructed to meet Code Level 4 of the Code for Sustainable Homes and all dwellings commenced after 1st January 2016 will be required to meet Code Level 6 of the Code for Sustainable Homes. Within 6 months of occupation of each dwelling a Final Certificate, certifying that the relevant Code for Sustainable Homes Level for that dwelling has been achieved, shall be submitted to the Local Planning Authority.  
*Reason: In the interests of minimising the environmental impact of the development.*
9. Prior to the commencement of the development hereby permitted, a 'Design Stage' assessment and related certification shall be submitted to and approved in writing by the Local Planning Authority. The assessment and certification shall demonstrate that the dwellings will meet the relevant Code Level.  
*Reason: In the interests of minimising the environmental impact of the development.*
10. No dwelling shall be occupied until a letter of assurance; detailing how that plot has met the necessary Code Level has been issued by a Code for Sustainable Homes Assessor and approved in writing by the Local Planning Authority.  
*Reason: In the interests of minimising the environmental impact of the development.*
11. All first and second floor windows in the north facing elevation of plot 1 shall be fitted with non-opening obscurely glazed windows using Pilkington privacy level 5 glass (or a glass from an alternative manufacturer with the same level of obscurity). Non-opening obscurely glazed windows shall be retained at all times thereafter in the north facing elevation of plot 1.  
*Reason: In the interest of the amenities of the occupiers of the adjacent properties to the north.*



12. Prior to the commencement of development full details of the colour, form and texture of all hard landscaping (ground surfacing materials) (notwithstanding any such detail shown on previously submitted plans and specification) shall have been submitted to and approved in writing by the Local Planning Authority. All works shall be undertaken strictly in accordance with the details as approved, and shall be completed in all respects before the final completion of the development and thereafter retained.  
*Reason: To ensure a satisfactory form of development in the interest of the visual amenity of the area.*
13. The existing soil levels around the base of the trees to be retained shall not be altered.  
*Reason: To safeguard the trees to be retained.*
14. Notwithstanding the details shown on the submitted plans, the proposed driveway/hardsurfacing to the front of the property shall be constructed using permeable materials on a permeable base, or provision shall be made to direct run-off water from the hard surface to a permeable or porous area or surface within the boundaries of the property (rather than to the highway), unless otherwise agreed to in writing by the Local Planning Authority.  
*Reason: In the interests of highway safety and to prevent flooding.*
15. During the construction period, all trees to be retained shall be protected by 1.2 metre high fencing as specified in paragraph 8.2.2 of British Standard BS5837:2012 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 area(s) so fenced. All excavations within the area so fenced shall be carried out by hand.  
*Reason: To safeguard the trees to be retained.*
16. The development hereby permitted shall only be carried out in accordance with the Arboricultural Impact Assessment submitted with the application carried out by Bowland Ecology dated 15<sup>th</sup> January 2013.  
*Reason: To define the scope of the tree works and tree protection on the development site.*
17. The Finished Floor Levels (FFL's) of the dwellings hereby permitted shall only be in accordance with the approved site plan which details FFL's of 95.60 and before the development hereby permitted is first commenced, full details of existing and proposed ground levels (all relative to ground levels adjoining the site) shall have been submitted to and approved in writing by the Local Planning Authority, notwithstanding any such detail shown on the approved plans. The development shall be carried out strictly in conformity with the approved details.  
*Reason: To protect the appearance of the locality and in the interests of the amenities of local residents.*
18. Vegetation clearance works, development work or other works that may affect nesting birds shall be avoided between March to August inclusive, unless further surveys or inspections are carried out by a suitably qualified ecologist which confirm the absence of nesting birds, the details of which shall have first been submitted to and approved in writing by the Local Planning Authority. If the further surveys or inspections confirm the presence of breeding birds, mitigation measures shall be proposed to safeguard breeding birds and the development shall only thereafter be carried out in accordance with the approved mitigation measures.  
*Reasons: To safeguard breeding birds and in accordance with Policy No. EP4 of the Adopted Chorley Borough Local Plan Review, Policy No. 22 of the Central Lancashire Core Strategy and the NPPF (National Planning Policy Framework).*