

Item 3F	14/00560/FULMAJ
Case Officer	Paul Whittingham
Ward	Clayton-le-Woods West And Cuerden
Proposal	Full Planning Permission for the development of 14, two storey, detached residential dwellings.
Location	Formerly Burrows (Grass Machinery) Limited Wigan Road Clayton-Le-Woods
Applicant	Eccleston Homes Limited
Consultation expiry:	11.06.2014
Decision due by:	18.08.2014

Recommendation Permit Full Planning Permission subject to a Legal Agreement

Executive Summary

Planning Permission has been granted on this site previously for the same number of properties and the site is also allocated for housing within the Emerging Local Plan. The development of this site is acceptable in principle and the details within the application are also acceptable subject to attaching conditions to the consent.

Representations

Clayton-le-Woods West And Cuerden Parish Council does not wish to comment on this application		
In total 2 representations have been received which are summarised below		
Objection	Support	Not specified
Total No. received: 2	Total No. received: 0	Total No. received:0
<ul style="list-style-type: none"> • Wish to ensure that the properties that are built do not have lights permanently on at night like the new properties on the next site. • The fence at the front of the house should be set at a lower height than 1.8 metres to ensure that there is visibility for cars coming out of adjoining drives. 	<ul style="list-style-type: none"> • 	<ul style="list-style-type: none"> •

Consultees

Consultee	Summary of Comments received
Lancashire County Council Highways	Raise no objections to the scheme however are seeking some improvements to the entrance road width and wish conditions to be attached to any consent granted for the scheme.
Ecology	The main ecology issue remains the pond at the rear of the site and to ensure that the relationship of the boundary of the nearest dwelling to the pond is considered and to ensure that the pond is retained, maintained and protected.
CBC Planning Policy	Have identified a playspace contribution of £26,432 is required
United Utilities	Raise no objection subject to conditions including a restriction on the surface water discharge rate from the site.
Environment Agency	Have no comments to make. Refer to standing advice.

Assessment

Principle of the Development

Background

1. Planning permission was first granted in September 2011 (ref: 11/00480/FULMAJ) for the erection of 13 detached dwellings which established the principle of developing the site for this purpose. A subsequent planning application was approved in January 2012 (ref: 11/00894/FULMAJ) which granted permission for a different layout, accommodating 14 instead of 13 detached dwellings.
2. Planning permission was most recently granted (ref 13/00062/FULMAJ) for the erection of 14 detached two and two and a half storey dwellings on 24 April 2013 and the consent must be commenced by 24 April 2016.
3. The former buildings and tanks associated with the former petrol station and the Burrows Grass Machinery use have been removed and some decontamination has taken place but the site has not been fully remediated to a developable state.

Principle of the Development.

4. The site is within the settlement of Clayton-le-Woods as defined by Policy 1 of the Core Strategy wherein some growth and investment is envisaged and is within the same settlement within the Adopted Chorley Borough Local Plan Review 2003 and within the Emerging Local Plan the site is allocated as HS 1.32. The site was last used for grass machinery sales, servicing, repairs, car sales and petrol station and is predominately a brownfield site.
5. Having regard to the previous consents on the site and the position within the emerging local plan, the proposal for residential development is therefore considered to be acceptable in principle.

Density

6. The application site extends to an area of approximately 0.80 hectares. The provision of 14 dwellings on the site therefore equates to a density of 17 dwellings per hectare. This is considered to be slightly less than normal figure used by the Council, however, there are a number of site specific circumstances which have dictated this density. This includes the provision of a footpath along Wigan Road, that the properties nearest the road (plots 1 and 14) are set back significantly from the edge of the carriageway to respect the established building line and the constraints dictated by the pond positioned to the north-east of the site. Additionally, it is also relevant to note that the surrounding area is made up of properties occupying larger plots. As such, taking all relevant points into consideration, the density is considered acceptable for the local context.
7. It is also relevant to note that the density proposed with this application is the same as that previously accepted by the Council by permitting the application 11/00894/FULMAJ and 13/00062/FULMAJ

Impact on Neighbour Amenity

8. It has been noted that a letter of objection has been received from the occupier of the adjacent property Oaktree Bungalow. This neighbour has raised specific concerns outlined in more detail at the beginning of the report, however, many of the issues raised relate to the position of plot 14 and concerns of dominance, overlooking and loss of privacy.
9. It has been noted that Oaktree Bungalow is the only neighbouring property directly bounding the application site to the south. This property comprises a bungalow with a driveway and single width tandem garage attached to it on the side bounding with the application site. The property has a window, door and high level window in its northern elevation facing plot 14 which would have a two storey gable end nearest this boundary.

10. In terms of the proposed relationship, the side window of Oaktree Bungalow will face the gable end of the property at plot 14. However, a gap of approximately 5.5m will be maintained (the same gap as that approved with the previously approved application 11/00894/FULMAJ). Furthermore, such an arrangement is not considered to be an unusual relationship between residential properties.
11. It has been noted that the property at plot 14 includes a first floor window serving a dressing room. In terms of the impact on Oaktree Bungalow, the first floor window would serve a dressing room (not a habitable room), would be conditioned to be obscure glazed and so would not result in any significant detrimental harm in respect of overlooking or loss of privacy.
12. In terms of overshadowing from the dwelling at plot 14, the previously approved was two and a half stories high compared to the proposed property that is a true two storey property and so would have less direct impact although it will still be substantial in size. However, the proposed dwelling would be positioned directly north of Oaktree Bungalow and so whilst appearing visible, would not result in any overshadowing.
13. As such, it is not considered the occupier of Oaktree Bungalow would experience any significant detrimental harm in terms of their amenity to warrant refusal of the application on these grounds.
14. In terms of other outward neighbour relationships, it has been noted that the Secretary of State granted outline permission for 300 residential properties on land adjoining the site. The Council has also granted reserved matters consent (ref: 13/00138/REMAJ). It is therefore relevant to consider the relationship between the proposed dwellings and those at the adjacent site.
15. To the north, plot 1 would face Wigan Road and would only have a dressing room window at first floor facing the adjacent site in a northerly direction. Therefore this relationship is considered acceptable.
16. Plots 2 and 3 would face the rear gardens of 2no. residential properties at the adjacent site, however, both would maintain a distance of 10m to the northern site boundary (at first floor) and so would be in accordance with the Council's adopted interface distances (which require a minimum distance of 10m).
17. The distance between the rear first floor elevations of Plots 4 to 11 would maintain a distance of 10m to the northern site boundary (at first floor) and so would be in accordance with the Council's adopted interface distances (which require a minimum distance of 10m).
18. Plot 11 would be marginally shorter than required 10m at 9.8m. However, these properties would overlook the end of the garden to Oaktree Bungalow and the rear garden of a plot yet to be built and as the proposed property would not be overlooking the private amenity space of any properties then the relationship is considered acceptable.

Levels

19. There will be approximately a 1m difference in levels between the properties on the frontage with Wigan Road and those to the rear of the site as the land raises gently from west to east. However, this would not be readily noticeable due to the length of the site and the gradual rise in levels.
20. The proposed levels are therefore considered to be acceptable when viewed internally within the site, when compared to those submitted with the application 13/00138/FULMAJ and when compared to those at neighbouring properties which already exist in the area.

Design and Layout

21. The design and scale of the proposed dwellings are typical of a development being undertaken by a volume build developer in that they have a modern design with traditional feature elements. The design and scale of the dwellings and the plot sizes are however considered to be acceptable as they are similar to the dwellings in the surrounding area and other house types on the adjacent site.
22. The layout of the development is modern in character and has taken account of the site boundaries and the existing hedge lines and trees. Plots 1 and 14 are set back from Wigan Road with detached garages to the immediate south and north respectively. The building line created by these properties will respect the established building line of the properties to the south (the nearest comprising Oaktree Bungalow and Wyndom). The site access would be taken from the mid-part of the western site boundary and the layout would include a grassed area to the front, planted with fruit trees.
23. The site entrance would be gated approximately 25m back from the edge of the carriageway and would form a conventional cul-de-sac arrangement. Plots 2-5 would face in a southerly direction, plots 10-13 would face in a northerly direction and plots 6-9 would face in a westerly direction down the cul-de-sac towards Wigan Road.
24. Consideration has also been given to the appearance of the development when viewed from the surrounding area and more specifically, the location of the pond to the north-east of the site. This pond will form a focal point at the adjacent development with multiple properties overlooking it. However, it is not considered the proposed boundary treatment would appear visually intrusive or out of character in this context.
25. Part of an existing pond to the north-eastern corner of the site will be retained and is separated from the domestic curtilage of plot 6 by a 1.8m high featheredged fence. The pond will be maintained and managed by an independent management company. The applicant indicates covenants will be included in the land transfer of this plot to allow access to the pond for any necessary works. Additionally, by conditioning the recommendations outlined in the ecological report, this will improve this area of the site both visually and from an ecological perspective.
26. Having regard to the above, the design and layout of the site is considered acceptable.

Trees and Landscaping

27. The majority of the site is previously developed and includes large areas of hardstanding. This means there are no substantial trees within the body of the site, however, there is hedging to part of the northern and southern site boundaries and sporadic tree planting to the north-east and south-west site boundaries.
28. The proposed site plan indicates that the existing hedging will be retained as will some of the more valuable trees positioned on the site boundary. The application would also retain more mature trees to the southern boundary which provide a natural screen to the garden of Oaktree Bungalow.
29. None of the trees are protected by tree preservation order and although to be retained (as shown on plan), none are worthy of protection for future retention. Indicative landscaping has been shown as part of the development which will be secured by planning condition.

Ecology

30. The application site in the main is considered to have limited ecological value. However, the site includes part of a pond to the north-east of the site which is proposed to be retained by the development. The remainder of the pond is within the ownership of the adjacent land owner and will be managed accordingly as part of that application.

31. LCC Ecology have shown concern about securing the future maintenance of the pond. The applicant plans to exclude the pond area from the domestic curtilage of the property of plot 6 by way of a 1.8m high featheredged fence. The applicant has also agreed to have the pond maintained and managed by an independent management company. Covenants will be included in the private land transfer to allow access to the pond for any necessary works. Details of the management company will be secured by planning condition and implemented accordingly thereafter.

Impact on Highways, access and parking

32. In respect of highway safety, the framework states that development should only be prevented or refused on transport grounds where the residual cumulative impact of development are severe.
33. The application site was formally occupied by Burrows Grass Machinery which involved grass machinery sales, servicing, repairs, car sales and a petrol filling station. The existing access included two entry points from Wigan Road at both north and south points on the western site boundary, incorporating a typical 'in/out' arrangement.
34. The application seeks an access arrangement that would include a single principle vehicular access from Wigan Road, positioned centrally to the western site boundary. The proposed access would enjoy good visibility in both a north and south direction and would include a relatively wide opening to allow easy access for vehicles entering and exiting the site. LCC sought that the access was provided at a width of 5.5 meters upto the gate and this has now been provided.
35. There would be no other points of access for vehicles from Wigan Road, which is considered to be an improvement on the two previously approved schemes. The site would include a straight access road, measuring approximately 25m back from the edge of the highway, at which point, access to the site would be gated for both vehicles and pedestrians. Gating of the access could cause issues in respect of refuge collection or access for emergency vehicles and so a condition will be imposed (should permission be granted) to ensure access to the site is managed and controlled in such a way that access can be gained if necessary. Once entrance to the site has been gained, the road would then unfold in a standard cul-de-sac arrangement including vehicular access to each property and a turning head towards the eastern part of the site.
36. All the properties proposed with this development would in accordance with the relevant parking standards be required to have 3no. off-road parking spaces. These spaces will be achieved in different ways depending on the position of the plot. Plots 1, 6, 9, 10,13 and 14 would include off-road parking space in front of and within a detached garage, whereas plots 2-5 and 11-12 would include off-road parking space in front of an integral garage. The parking arrangements are considered acceptable.
37. Aside from the above, LCC Highways have requested a contribution to improve the 2no. existing bus stops on Wigan Road and to provide a new footway along Wigan Road. However, it must be considered that the existing three permissions at the site did not include such contribution requests and the works on which the contribution would be spent are not considered to be essential to make the development acceptable in planning terms. As such, it is not considered reasonable or necessary in this case to secure such a contribution. Should LCC Highways wish to pursue this, they could do this through Section 278 of the Highways Act 1980 when negotiating the access works with the developer.

Drainage and Sewers

38. In considering the three previously approved applications, discussions were held with both the Environment Agency and United Utilities. In the case of the current application the Environment Agency have no comments to make and United Utilities have raised no

objection, subject to the site draining on a separate system with only foul drainage connected to the foul sewer.

39. United Utilities have also stated they will accept surface water to existing flow rates of 31l/s, provided they do not increase as a result of the development. This will be controlled by planning condition (the same as the two previous applications) to ensure the development does not increase the risk of flooding.

Section 106 Agreement

40. The Open Space and Playing Pitch SPD was adopted for development control purposes at the Council meeting on 17th September 2013. Therefore, these comments are based upon the standards within emerging Local Plan Policies HS4A and HS4B and the approach in the SPD.

Amenity Greenspace

41. Emerging Local Plan Policy HS4A sets a standard of 0.73 hectares per 1,000 population. There is currently a surplus of provision in Clayton-le-Woods in relation to this standard, a contribution towards new provision in the settlement is therefore not required from this development. However, the site is within the accessibility catchment (800m) of an amenity greenspace which is identified as being of low quality and low value in the Open Space Study (site 1954 – off Cypress Close). A contribution towards improvements to this site is therefore required from this development. The amount required is £140 per dwelling.

Provision for children/young people

42. Emerging Local Plan Policy HS4A sets a standard of 0.08 hectares per 1,000 population. There is currently a deficit of provision in Clayton-le-Woods in relation to this standard, a contribution towards new provision in the settlement is therefore required from this development. The amount required is £134 per dwelling.

Parks and Gardens

43. There is no requirement to provide a new park or garden on-site within this development.
44. There are no parks/gardens within the accessibility catchment (1,000m) of this site identified as being low quality and/or low value in the Open Space Study therefore a contribution towards improving existing provision is not required.

Natural and Semi-Natural Greenspace

45. There is no requirement to provide new natural/semi natural greenspace on-site within this development.
46. There are no areas of natural/semi-natural greenspace within the accessibility catchment (800m) of this site identified as being low quality and/or low value in the Open Space Study therefore a contribution towards improving existing provision is not required.

Allotments

47. There is no requirement to provide allotment provision on site within this development.
48. There is an allotment site within the accessibility catchment (10 mins drive time) of this site that is identified as being of low quality in the Open Space Study (1648 - Rear of Bay Horse, Preston Rd, Whittle-le-Woods).
49. The site is also within the accessibility catchment (10 minutes' drive time) of a proposed new allotment site at Land at Sylvesters Farm, Euxton (HW5.2). A contribution towards new allotment provision or improving existing provision is therefore required from this development. The amount required is £15 per dwelling.

Playing Pitches

50. A Playing Pitch Strategy was published in June 2012 which identifies a Borough wide deficit of playing pitches but states that the majority of this deficit can be met by improving

existing pitches. A financial contribution towards the improvement of existing playing pitches is therefore required from this development. The Playing Pitch Strategy includes an Action Plan which identifies sites that need improvements. The amount required is £1,599 per dwelling.

THE TOTAL FINANCIAL CONTRIBUTION REQUIRED FROM THIS DEVELOPMENT IS AS FOLLOWS:

Amenity greenspace	= £1,960
Equipped play area	= £1,876
Parks/Gardens	= £0
Natural/semi-natural	= £0
Allotments	= £210
Playing Pitches	= £22,386
Total	= £26,432

Community Infrastructure Levy (CIL)

51. The Chorley CIL Infrastructure Charging Schedule provides a specific amount for housing - £65 per sq m. The CIL Charging Schedule was adopted on 16 July 2013 and charging commenced on 1 September 2013.
52. The original planning approval for housing at this site pre-dates the levy and as such was not subject to CIL. However this full application proposes new residential development after the levy is applied and as such could be liable for CIL.
53. In the case of sites within Chorley it is considered that a pragmatic approach is appropriate given that the intention of CIL was never to retrospectively impose CIL charging on approved schemes. As such the extent of approved development is subtracted from the extent of proposed development and CIL is only charged on the uplift created by virtue of the proposed amendments. In this instance the previously approved development was two and half storey development and this scheme is for two storey development and as such the scale of the development is smaller than the extant scheme so the CIL charge is Nil.
54. The previously approved scheme was approved on 24.04.2013 for a period of 3 years and whilst the Council has adopted a pragmatic approach any new consent granted should not provide a consent that extends the life of the previous consent without the consideration of CIL. It is appropriate in this instance to limit the consent to the same period as the existing and extant consent. That would mean that the consent would extend to 24.04.2016 and the applicant is willing to accept such a limited consent.

Overall Conclusion

55. The proposed site has an extant planning consent for the development of the site for the same number of properties and the site is also allocated for housing development within the emerging local plan. The layout and design of the properties and the access to the site are all considered to be acceptable subject to the imposition of conditions and the associated 106 agreement to secure a POS contribution.

Planning Policies

56. 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 Borough Local Plan Review 2003 and adopted Supplementary Planning Guidance), unless material considerations indicate otherwise. Consideration of the proposals has had regard to guidance contained with the National Planning Policy Framework (the Framework), the development plan and the emerging Local Plan 2012-2026. The specific policies/ guidance considerations are contained within the body of the report.

Planning History

Reference	Description	Decision	Date
11/00480/FULMAJ	Demolition of Burrows Grass Machinery and removal of car sales forecourt and demolition of The New Bungalow and erection of 13 no. detached two-storey dwellings and associated infrastructure.	Permit Full Planning Permission	07.09.2011
11/00894/FULMAJ	Demolition of Burrows Grass Machinery and removal of car sales forecourt and demolition of The New Bungalow and erection of 14 no. detached two-storey dwellings and associated garaging and infrastructure (changes to access point and layout of the previously approved permission 11/00480/FULMAJ and an additional house).	Permit Full Planning Permission	18.01.2012
13/00062/FULMAJ	Erection of 14 no. detached two and a half storey dwellings, associated garaging and infrastructure	Permit Full Planning Permission	24.04.2013

Suggested Conditions

The conditions are to follow