

Representations

Wheulton Parish Council comment as follows: -

- The Parish Council express concerns in relation to the original and amended plans regarding the overdevelopment of the site, access, its proximity to the junction with Bett Lane and the reduction in the length of the lay-by.

In total 14 objections have been received. This includes 12 objections from the same household. The objections are summarised as follows: -

- Proximity of dwellings to 392 Blackburn Road as the dwellings should be centred on the site and the position of the dwellings highlights the applicants true intentions for the site
- This proposals is an initial proposal and it is anticipated that a revised application will be submitted for the development of the site at the rear
- The layout leaves space for an access to the site at the rear
- On street parking will be lost due to the access to the site being onto the lay-by
- It is requested that Development Control Committee Members visit the site to appreciate the complexity of the development
- The tree report does not fully address root protection
- The plans are not correctly annotated
- The application makes no reference to the large windows in the site of 392 Blackburn Road in the rear extension to this property
- The proposals would be detrimental to highway safety in terms of the access to Blackburn Road
- Installation of services will harm the trees
- The loss of car parking at the Golden Lion will impact on the limited spaces for existing residents as a result of the access to the site crossing the lay-by
- Development on this site will increase the risk of flooding, which has occurred in the past, from water run-off as the site has a high water table and is boggy and poorly drained
- The trees, field and surrounding land are a haven for wildlife
- The land directly leading onto the proposed site from the golf course and fields has been developed with man-made drainage and a watercourse running along the perimeter of our property and the land and in the past this has caused flooding problems
- The vehicle movements associated with the dwellings will increase traffic to dangerous levels
- The dwellings would lead to a loss of residential amenity for the occupiers of 386 Blackburn Road in terms of loss of light, overlooking, loss of privacy: noise and disturbance
- There is presently no access to the site
- The trees are home to a colony of bats
- Surface water from the access will run-off onto Blackburn Road and the Lawton Close and cause flooding

Cllr Margaret France has requested that the application be reported to Development Control Committee and also made the following comments: -

- The root system of the protected trees would be compromised
- There is limited visibility in both directions along the A674 which also has heavy traffic so the access would be dangerous to road users of the A67 as

driving from either direction round a bend in the road cars would potentially be confronted with a car halfway out of the drive and onto the highway

Consultees

Consultee	Summary of Comments received
LCC (Highways)	No objections in principle to the scheme and no objections raised in relation to the access onto Blackburn Road but comments awaited on the amended scheme so these will be reported on the addendum.
Waste & Contaminated Land Officer	Recommends an informative requiring a Desk Top Study, site walkover and preliminary risk assessment to establish if the site is potentially contaminated and if potential contamination is identified, further investigations should be undertaken and suitable remediation undertaken in accordance with any recommendation made.
United Utilities	No objections to the application and no conditions recommended.
Environment Agency	No comments to make on the application.
Tree Officer	No objections raised in relation to the scheme but final comments awaited on the amended layout and updated Arboricultural Report.
Planning Policy (Open Space)	Under the Open Space and Playing Pitch SPD, emerging Local Plan Policies HS4A and HS4B and the approach in the SPD, a contribution of £6710 is required.

Proposed Development

1. This outline application, with some matters reserved, proposes the erection of a pair of two storey semi-detached dwellings. The application seeks approval for access and layout with appearance, landscaping and scale matters being reserved for approval at a later date.
2. The site is located in the settlement of Higher Wheelton and comprises open land sat between 386 and 392 Blackburn Road, onto which the site fronts. The site is rectangular with a frontage of 20m and a depth of 31m. The level of the site falls approximately 2m towards Blackburn Road.
3. The dwellings comprise a pair of semi-detached two storey properties and the submitted plans detail an indicative layout along with the maximum scale parameters of the dwellings. The dwellings will have a total floor space of less than 1000m² with external footprints of 5.6m by 7.6m and 9.2m by 5m respectively and eaves heights of 4.9m and ridge heights of 7.3m. Access to the site is proposed from Blackburn Road and the layout of the site proposes 2 no. parking spaces per dwelling. The original plans have been amended to address layout, levels and issues pertaining to the relationship with the adjacent properties.
4. An application submitted in 2012 (Ref No. 12/00317/OUT) was refused on the grounds of residential amenity impact, highway safety and impact on the trees.

Principle of the Development

5. Policy HS7 of the emerging Chorley Local Plan states that within smaller villages, limited infilling for housing will be permitted providing the applicant can demonstrate that certain criteria are met. These are as follows: -
 - a) The existing buildings form a clearly identifiable built up frontage;
 - b) The site lies within the frontage, with buildings on either side, and its development does not extend the frontage;
 - c) The proposal would complement the character and setting of the existing buildings.
6. The policy defines infilling as the filling of a small gap in an otherwise built-up street frontage, e.g. typically a gap which could be filled by one or possibly two houses in keeping with the character of the street frontage. The policy goes on to state that when assessing applications for rural infill sites, the Council will also have regard to site sustainability, including access to public transport, schools, businesses and local services and facilities.
7. The site sits between 386 and 392 Blackburn Road and comprises a rectangular piece of land measuring approximately 20m wide by 31m deep. With regards to criteria a), it is considered that the existing buildings either side of the site constitute a clearly identifiable built up frontage given they extend over 150m either side of the site. There are also buildings on the opposite side of the road which again stretch for a total distance of approximately 450m in length. In terms of criteria b), the site lies within the frontage with buildings on either side and the proposed development will not extend the frontage. With regards to criteria c), there are a diverse mix of property types adjacent to the application site comprising dormer bungalows, terraced, semi-detached and detached dwellings. The proposed semi-detached properties are in scale terms similar to the properties to the terraced properties to the west and utilise the step up in land level from 386 to 392 Blackburn Road. Whilst the final design of the dwellings is not known, it is however considered that the dwellings, subject to final design and materials, would complement the character and setting of the existing buildings.
8. With regards to sustainability, there is a primary school (St Chads Catholic) in Wheelton which is approximately 1.4 miles away and a primary school (Brinscall St Johns Church of England/Methodist Primary School) is approximately 0.9 miles away. In the settlement itself, there is a public house (Golden Lion) approximately 63m away, a general store approximately 140m away and a petrol station/car repair garage approximately 53m away. There is also a bus stop adjacent to the site with buses running to Blackburn and

Chorley along with numerous school bus services. On this basis, whilst the site is not as sustainable as a site in Chorley town for example, the site has excellent access to the bus route, there is a pub and shop within walking distance and there are primary schools a short bus ride away so on this basis, it is considered that the site is in a sustainable location.

9. On the basis of the above, it is considered that the 'principle' of the development of this site is an acceptable one subject to favourable consideration of the issues set out in the rest of this report.

Design, Scale and impact on locality

10. The dwellings take the form of a pair of two storey semi-detached dwellings and the indicative plans of the dwellings show they will have footprints of 5.6m by 7.6m and 9.2m by 5m respectively. The dwellings will have eaves heights of 4.9m and ridge heights of 7.3m. Access to the site is proposed from Blackburn Road and the layout of the site proposes 2 no. parking spaces per dwelling.
11. The scale of the dwellings is akin to the terraced properties to the west of the site (380 to 386 Blackburn Road). The finished floor levels (FFL) of the dwellings are above that of 386 Blackburn Road and are stepped up from this property with the easterly dwelling having a similar FFL to 392 Blackburn Road. The wider locality is made up of varying house types ranging from large detached dwellings to terraced dwellings and bungalows on Lawton Close. Facing materials are also mixed and comprise red brick and natural stone. Therefore subject to suitable final design and appropriate facing materials, it is not considered that design and scale of the dwellings would be unacceptable.
12. The dwellings are positioned closer to 392 Blackburn Road but this is in part due to the higher land level they are to be positioned on. The streetscene drawing included with the application shows that the dwellings will not appear out of character with the locality from a scale perspective and in design terms, the indicated drawings show simply design dwellings. Therefore subject to suitable final design and appropriate facing materials considered at reserved matters stage, it is not considered that design and scale of the dwellings would be unacceptable on this site nor would they have a detrimental impact on the character and appearance of the locality.

Impact on neighbours

13. The site is bounded to the east by 392 Blackburn Road and to the west by 386 Blackburn Road. In relation to 386 Blackburn Road, the gable of this property faces the site and at first floor level, this contains the main habitable window to a first floor room which is at present used as a lounge. There are also windows to the front and rear of this property which serve this room but they are smaller and secondary to the room. The position of the dwellings relative to the first floor side window in this property is considered to be acceptable given the plot nearest this property is stepped back so is not in the direct line of sight from the main first floor window looking onto the site. Also, at its nearest point, the closest dwelling to 392 Blackburn Road will be approximately 9m away. This distance and the position of the dwellings is considered sufficient to address the higher floor levels of the proposed dwellings.
14. In terms of 392 Blackburn Road, the side elevation of this property contains numerous windows. At ground floor level in this property, there is a secondary window to the lounge, two windows which serve a garage, one window which serves a bathroom at the rear of the garage and two full height windows which serve a single storey rear extension (Ref No. 06/01234/FUL) completed in 2008. At first floor level, there is a secondary bedroom window and a bathroom window.
15. The occupier of this property has raised an objection to the application with one of the main issues being the loss of outlook from the windows in the extension facing onto the site. The window closest to the proposed dwelling nearest this property is part of a recently added extension and comprises one side of the fully glazed part of the extension where it joins the house. The glass spans the roof and the opposite side of the extension.

The proposed dwelling near to this window would be approximately 3.3m from it. However, the window is a secondary window to the room given it is part of a link between the extension and the house and the main windows to the extension are in the rear elevation. Moreover, it was a design decision to place a window in this position of the extension which affords views onto land that is outside of the control of the occupier/s of this property and it is not the role of the Council to protect views. The final boundary treatment details next to this window will therefore be considered as part of a reserved matters application.

16. In terms of the window in the rear of the extension, this is the corner of a fully glazed section of the extension encompassing part of the side elevations and the whole of the rear elevation and is 1.8m from the boundary. Given the dwellings will sit forward of this window, it is not considered that the outlook from it will be detrimentally affected and again, final boundary treatment details will be considered as part of a reserved matters application.
17. On the basis of the above, it is not considered that the proposed dwelling will have a harmful impact on the living conditions of the occupiers of 386 and 392 Blackburn Road.

Traffic & Transport

18. LCC (Highways) have not raised any objections to the application in principle or the access onto Blackburn Road which is onto the lay-by referred to by objectors. The layout of the development also includes 2 no. off road spaces per dwelling and turning space to facilitate ingress and egress in a forward gear. Also, no objections have been raised in relation to the access point being off the lay-by.
19. The final comments from LCC (Highways) on the amended layout are being awaited so will be reported on the addendum.

Impact on trees

20. The trees across the site frontage are the subject of a Tree Preservation Order. The application includes an Arboricultural Report which recommends that tree protection measures are implemented during the course of development. As the access passes over the root protection zones of the trees, the report recommends a 'no-dig' construction technique and installation load bearing support system over the surface in accordance with BS 5837 (2012) and this should be the first operation to take place following erection of protective tree fencing.
21. In terms of recommended tree works, none are recommended in relation to T1 and T4. In relation to T2 and T3, it is recommended that the crown of these trees is raised over the driveway to a height of 4m to create sufficient clearance for vehicles. The works to the trees are considered to be acceptable by the Council's Tree Officer.

S106 and CIL

22. The Open Space and Playing Pitch SPD was adopted for development control purposes at the Council meeting on 17th September 2013. A contribution of £6710, as set out below, was originally required and the applicant has signed a S106 agreement, based on the standards within emerging Local Plan Policies HS4A and HS4B and the approach in the SPD.

Amenity Greenspace

Emerging Local Plan Policy HS4A sets a standard of 0.73 hectares per 1,000 population. There is currently a deficit of provision in Higher Wheelton in relation to this standard; a contribution towards new provision in the settlement is therefore required from this development. The amount required is £140 per dwelling.

Provision for children/young people

Emerging Local Plan Policy HS4A sets a standard of 0.08 hectares per 1,000 population. There is currently a deficit of provision in Higher Wheelton 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

There is no requirement to provide a new park or garden on-site within this development.

The site is within the accessibility catchment (1,000m) of parks/gardens that are identified as being low quality and/or low value in the Open Space Study (sites 1689 - Bothy Gardens, Withnell Fold and 1690 – Memorial Garden, Withnell Fold); a contribution towards improving these sites is therefore required. The amount required is £1,467 per dwelling.

Natural and Semi-Natural Greenspace

There is no requirement to provide new natural/semi natural greenspace on-site within this development.

There are no natural/semi-natural greenspaces within the accessibility catchment (800m) of the site identified as being low quality and/or low value in the Open Space Study, a contribution towards improving existing provision is therefore not required.

Allotments

There is no requirement to provide allotment provision on site within this development.

There are allotments within the accessibility catchment (10 minutes' drive time) of the site that are identified as being low quality and/or low value in the Open Space Study (sites 1639 Rear of Pleasant View, Withnell, 1649 - Rear of Maybank and Oakdene, Withnell Fold and 1648 Rear of Bay Horse, Preston Road, Whittle-le-Woods). A contribution towards improving existing sites is required from this development. The amount required is £15 per dwelling.

Playing Pitches

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.

23. The National Planning Practice Guidance was updated by the Government on 28 November 2014 in respect of contributions for affordable housing and tariff style planning obligations. These measures were introduced to support small scale developers by reducing disproportionate burdens on developer contributions. The updated guidance confirms that such contributions should not be sought from small scale and self-build development. In particular, the guidance states that contributions should not be sought from developments of 10 units or less, and which have a maximum combined gross floorspace of no more than 1000m².
24. This development is for 2 no. dwellings which is below the 10 unit threshold and also has a combined gross floorspace of less than 1000m².
25. In the case of this development and taking into account the updated Government guidance, there is no evidence at this time, which is directly related to the development, to justify seeking a contribution towards public open space which is contrary to the Planning Practice Guidance.
26. With regards to CIL, under the charging schedule, and based on the layout plans which show that the total approximate floorspace would be 177m², the charge would be £11505.

Contamination and Coal Mines

27. The Council's Land & Contaminated Waste Officer has recommended an informative requiring a Desk Top Study, site walkover and preliminary risk assessment to establish if the site is potentially contaminated and if potential contamination is identified, further investigations should be undertaken and suitable remediation undertaken in accordance with any recommendation made. The site does not fall within the low or high risk zones in relation to former coal mining activity.

Drainage and Sewers

28. United Utilities have not raised any objections to the application or recommended any conditions and the drainage from the dwellings will be dealt with as part of any application made under the Building Regulations. A condition is recommended in relation to the installation of services to the site to ensure that the works do not cause harm to the root system of the trees on the site boundary.

Sustainability

29. In line with Policy 27 of the Core Strategy, the dwellings will be required to be constructed to meet the relevant Code for Sustainable Homes level (Level 4 and Level 6 from January 2016) so the standard conditions are recommended requiring this to be the case.

Other matters

30. Some of the objections have raised an issue regarding the land to the rear of the site and its possible future development. These are noted but whilst this land is in the settlement and owned by the applicant, it is outside of the red edge and not therefore included in this application. However, the site is not part of the infill plot and the position of the dwellings on the site is a result of the relationship with 386 Blackburn Road and due to the difference in levels between the site and this property. From a planning policy perspective, any development on it would be the subject of a different set of considerations given it comprises wholly open land in a rural settlement so the site at the rear is essentially separate in planning terms. Any proposals for the development of this land would be assessed if/when a planning application is submitted to the Council.
31. Concerns have also been raised in terms of surface water run-off from the site and the field to the rear of 378 to 386 Blackburn Road. However, the site is not in Flood Zone 2 or 3 nor is it in an area which is identified as being less, intermediately or more susceptible to flooding. Also, United Utilities and the Environment Agency have not raised any objections to the application or recommended any conditions.
32. In relation to the comment that the trees are home to a colony of bats, the trees are to be retained with only pruning works proposed to two of them so an informative is recommended drawing the applicant's attention to the potential presence of bats and the need to contact Natural England if they are found to be present.

Overall Conclusion

33. The 'principle' of the proposed development on this site is considered to be acceptable given it constitutes the development on a rural infill plot.
34. It is considered that the scale of the development is appropriate for the site and the final design of the dwellings will be considered as part of a reserved matters application. With regards to neighbour amenity, the layout of the development is such that the dwellings will not result in detrimental harm to the living conditions of the occupiers of 386 and 392 Blackburn Road.
35. The access to the site is satisfactory and the layout includes turning space and adequate parking for each property.

Planning Policies

36. 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
98/00046/OUT	Outline application for the erection of detached house and garage	Withdrawn	25.11.1998
04/00611/OUTMAJ	Outline application for the erection of 12 cottage style dwellings (affordable housing units) and removal of trees and landscaping	Refused	26.07.2004
06/01176/TPO	Removal of basal shoots to T1 & T3 (retrospective), and removal of low boughs to T3 covered by TPO 12 (Wheelton) 1998	Withdrawn	12.02.2009
06/01185/COU	To create a hardstanding area for maintenance vehicles and temporary storage	Withdrawn	21.02.2007
12/00317/OUT	Outline application for the erection of a pair of semi-detached two storey dwellings	Refused	15.02.2013

Suggested Conditions

No.	Condition
1.	<p>An application for approval of the reserved matters, namely the appearance and scale of the dwellings and the landscaping of the site must be made to the Council before the expiration of three years from the date of this permission and the development hereby permitted must be begun two years from the date of approval of the last of the reserved matters to be approved.</p> <p><i>Reason: This condition is required to be imposed by the provisions of Article 3 (1) of the Town and Country Planning (General Development Procedure) Order 1995 and Section 92 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.</i></p>
2.	<p>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.</p> <p><i>Reason: To ensure a satisfactory form of development in the interest of the visual amenity of the area.</i></p>
3.	<p>Before the development hereby permitted is first commenced, full details of the alignment, height and appearance of all fences and walls and gates to be erected (notwithstanding any such detail shown on previously submitted plan) shall have been submitted to and approved in writing by the Local Planning Authority. 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.</p> <p><i>Reason: To ensure a visually satisfactory form of development and to provide reasonable standards of privacy to residents.</i></p>
4.	<p>The application for approval of reserved matters shall be accompanied by full details of existing and proposed ground levels and proposed building finished floor levels (all relative to ground levels adjoining the site), notwithstanding any such detail shown on previously submitted plan(s). The development shall only be carried out in conformity with the approved details.</p> <p><i>Reason: To protect the appearance of the locality and in the interests of the amenities of local residents.</i></p>
5.	<p>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.</p> <p><i>Reason: To ensure that the materials used are visually appropriate to the locality.</i></p>
6.	<p>No dwelling hereby permitted shall be occupied until the access from Blackburn Road, the parking spaces and manoeuvring space has been completed and surfaced in accordance with the approved plans.</p> <p><i>Reason: In the interests of highway safety</i></p>

7.	<p>During the construction period, all trees to be retained shall be protected in accordance with British Standard BS 5837:2012 or any subsequent amendment to the British Standards.</p> <p><i>Reason: To safeguard the trees to be retained</i></p>												
8.	<p>The reserved matters application shall include final details of the 'no-dig' construction technique and installation of services to the dwellings and the load bearing support system to form the access, car parking spaces and manoeuvring space which is within the Root Protection Area of the protected trees. The development shall only thereafter be carried out in accordance with the approved details.</p> <p><i>Reasons: To safeguard the protected trees during and after construction.</i></p>												
9.	<p>The development hereby permitted shall only be carried out in accordance with the recommendations set out in section 6 of the Arboricultural Report prepared by Treescapes Consultancy Ltd dated 13th November 2014 (Reference No. AH/ALA/22013-1).</p> <p><i>Reasons: In the interests of safeguarding the protected trees.</i></p>												
10.	<p>The development hereby permitted shall be carried out in accordance with the following approved plans:</p> <table border="1" data-bbox="368 992 1343 1211"> <thead> <tr> <th data-bbox="368 992 647 1025">Title</th> <th data-bbox="647 992 1066 1025">Drawing Reference</th> <th data-bbox="1066 992 1343 1025">Received date</th> </tr> </thead> <tbody> <tr> <td data-bbox="368 1025 647 1115">Proposed Site Layout, Site Section & Street Scene</td> <td data-bbox="647 1025 1066 1115">14/100/P01</td> <td data-bbox="1066 1025 1343 1115">20th November 2014</td> </tr> <tr> <td data-bbox="368 1115 647 1182">Topographical Survey</td> <td data-bbox="647 1115 1066 1182">1806/1</td> <td data-bbox="1066 1115 1343 1182">4th June 2014</td> </tr> <tr> <td data-bbox="368 1182 647 1211">Location Plan</td> <td data-bbox="647 1182 1066 1211">2278/1</td> <td data-bbox="1066 1182 1343 1211">4th June 2014</td> </tr> </tbody> </table> <p><i>Reason: For the avoidance of doubt and in the interests of proper planning</i></p>	Title	Drawing Reference	Received date	Proposed Site Layout, Site Section & Street Scene	14/100/P01	20 th November 2014	Topographical Survey	1806/1	4 th June 2014	Location Plan	2278/1	4 th June 2014
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11.	<p>All dwellings commenced will be required 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.</p> <p><i>Reason: In the interests of minimising the environmental impact of the development</i></p>												
12.	<p>Prior to the commencement of the development, a 'Design Stage' assessment and related certification shall be submitted to and approved in writing by the Local Planning Authority which demonstrates that the dwellings will be constructed to meet the relevant level of the Code for Sustainable Homes. The development shall be carried out entirely in accordance with the approved 'Design Stage' assessment and certification.</p> <p><i>Reason: In the interests of minimising the environmental impact of the development</i></p>												
13.	<p>Notwithstanding the details shown on the submitted plans, the proposed driveway/hardsurfacing to the front of the dwellings 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</p>												

	<p>the boundaries of the property (rather than to the highway), unless otherwise agreed to in writing by the Local Planning Authority.</p>
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Reason: In the interests of highway safety and to prevent flooding