

Item 3A	14/01297/OUT
Case Officer	Helen Lowe
Ward	Chorley North East
Proposal	Outline application for the erection of up to three dwellings, including details of the means of access
Location	St Peters Vicarage, Harpers Lane, Chorley, R6 0HT
Applicant	Blackburn Diocese Board of Finance
Consultation expiry:	Insert date
Decision due by:	31 March 2015
Recommendation	Approve outline consent subject to conditions
Executive Summary	This in an outline application for the erection of up to three dwellings, with all matters reserved except for access. The application site forms an area of vacant land adjacent of St Peters Vicarage. The proposal would not have a harmful impact on the character of the area and is considered to represent sustainable development as set out in the Framework. The proposal would not give rise to undue harm to the amenities of neighbouring residents or highway safety and is accordingly recommended for approval.

This application was deferred for a site visit at the 10th of March Development Control Committee meeting.

The report has been updated to reflect additional neighbour comments that have been received and consultation comments from Greater Manchester Ecology Unit that were previously reported on the addendum. Additional conditions have been added.

Representations

Cllrs Adrian and Marion Lowe have made the following comments on the application:

They have concerns over the impact of the development on: access to the proposed site; impact on Harpers Lane; neighbour amenity as the footpath leading to Vicarage Street could be unduly affected; threat to trees and access to Harpers Lane recreation ground

In total four representations have been received which are summarised below

Objection

Total No. received: four

- There is more than enough housing in this small area;
- The area does not need any further development, parking and traffic congestion have noticeably increased due to the new estate on Railway Road;
- There should be no removal of TPO'd trees;
- Removal of trees will reduce wildlife and reduce privacy;
- Planning permission has been previously refused on this site and nothing has changed in the intervening period;
- The proposed entrance is through parking spaces previously allocated to residents of Vicarage Street, how would proposed new residents access their homes when residents of Vicarage Street are parked;
- The proposal would overlook their back garden and lose privacy;
- It would be impossible to carry out construction works safely with large plant and vehicles having to access across the frontage of properties occupied by small children. The noise impact alone of the construction work would mean the disturbance of several other forms of wildlife;
- They feel very disappointed that the applicants have not had the courtesy to speak to us as directly affected residents;
- The scale of development on such a restricted site with extremely limited access is out of proportion;
- The number of car movements adjacent to the access to the recreation ground would increase causing risks to children and a loss of amenity;
- There is not enough space for vehicles to pass between cars to go into the rear of the Vicarage grounds;
- Emergency services would be unable to gain entry;
- Refuse collection would have to taken off site, potentially more litter, possible damage to parked cars having been pulled through a narrow gap.

Additional comments have been received from a previous respondent, these are detailed below:

1. That the parking configuration in the area is considered, especially as day time pressure varies with residents away at work etc.

It gives a false impression of space available when cars are not in situ.

2. That any ground works disturbance of the trees covered by the preservation orders be carefully checked. Even if the applicant has said that they would

work to use a different surfacing type, any damage to the root system under the tree crown would be of harm. To be able to work in a road access and housing arrangement around this looks impossible.

3. The footpath entry to the recreation ground and Vicarage Street is for a single car entry only. No space for emergency access.

4. The safety of residents using the lower gate to the Rec is of concern, would site traffic be able to guarantee perfect vision of children etc when entering or reversing in the area.

5. Building works would cause major problems for traffic flow, destruction of the road, pavement surface, drains in the area would also be affected. Water from the rec, does, at times flow onto the Vicarage Street area.

6. That, as so much building has gone on in the area recently, Railway Road, Baggenly Mill, with others to be started, i.e Hygienic Laundry site, this development is not appropriate and would reduce the quality of life for residents of East Ward.

Consultees

Consultee	Summary of Comments received
Lancashire County Council Highways	The existing access is wide enough to safely accommodate the passage of vehicles and the proposal is acceptable in principle from a highways perspective. It is recommended that a number of conditions are attached.
Chorley Council Tree Officer	Recommend that trees T10 and T14 (as numbered in the submitted Tree survey) are retained.
Waste and Contaminated Land Officer	Recommend an informative is attached to the decision
Environmental Health	State that they have no comments to make upon the proposals
GMEU	The site has low potential to support any protected species, with the likely exception of foraging bats. The loss of several trees to the development will reduce the amount of foraging habitat available to foraging bats or nesting birds but it is not considered that these losses will significantly affect the long-term population status of birds and

	<p>bats because there is sufficient alternative habitat available, including trees, remaining on and adjacent to the application site and in nearby parkland. Any local bat 'commuting routes' in the area will not be compromised by the development. Conditions are recommended.</p>
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Assessment

Principle of the Development

1. This is an outline application for the erection of three dwellings, with all matters reserved except for access. The application site is vacant land, located to the side of St Peters Vicarage which is located within the settlement boundary of Chorley. It is located to the east of the vicarage and to the south of the Church and Church Hall. The land is physically separated from the garden of the vicarage and overgrown, although it is possible that this once formed land associated with the vicarage. It is proposed to access the site from Vicarage Street to the south. In accordance with the Framework the site is therefore considered to be previously undeveloped land.
2. One of the core principles of the Framework is that development should be focussed in locations that are sustainable. It is considered that the site is located in a sustainable location with easy access to public transport and amenities such as shops, a school, church and public house nearby. The Framework also states that development in sustainable locations should be approved without delay.
3. The Inspector has issued her Partial Report on her findings into the soundness of the emerging Chorley Local Plan which is a material consideration in the assessment of any planning application. In summary, the plan is considered to be legally compliant. In relation to soundness, the plan is considered sound, with the exception of matters relating to Gypsies & Travellers.
4. Paragraph 18 of the Partial Report states: "For the avoidance of doubt, the Plan may not be adopted until it has been changed in accordance with all of the main modifications set out in the Appendix to this partial report and any which may be specified in the Appendix of my forthcoming supplementary report. However, because of the very advanced stage in the examination process that the main modifications set out in the attached Appendix have reached, significant weight should be attached to all policies and proposals of the Plan that are amended accordingly, where necessary, except for matters relating to Gypsies and Travellers."
5. The Council accepted the Inspectors modifications for Development Control purposes at its Executive Committee on 21st November 2013 and as such the Policies can be afforded significant weight subject to the main modifications.
6. Policy V2 of the emerging Local Plan states that within settlement areas, there is a presumption in favour of sustainable development.

Highway Safety

7. The outline application includes consideration of the access arrangement and the application details access to the site from Vicarage Street to the south. The LCC Highways Engineer has advised that they have no objections to the proposed development and do not require any alterations to the junction of Vicarage Street and Corporation Street.

Neighbour Amenity

8. BNE1 of the emerging Local Plan states that new development must not cause harm to any neighbouring property by virtue of overlooking, overshadowing, or by creating an overbearing impact. Although the application is in outline only, an indicative site layout has been provided, to demonstrate how three, two storey dwellings may be accommodated within the site.
9. The indicative plan provided shows that the rear elevation of one of the proposed dwellings would be approximately 11.2 m from the north facing side elevation of no. 7 Vicarage Street. However, there are no windows in this facing elevation and as such this relationship accords with the Council's interface standards. Oblique views of the rear garden area of no. 7 Vicarage Street would be afforded if a dwelling was located within this position. The indicative plan submitted shows a minimum distance of 12m between the rear elevation of the proposed dwelling and the boundary with no. 7 Vicarage Street.

This is in excess of the Council's Guideline of a minimum of 10m between the windows to habitable rooms at first floor level and the boundaries they face. It is also proposed to retain the protected mature Sycamore (T11 in the accompanying tree survey, T2 on the TPO Schedule) along this boundary. This would provide some screening.

10. The other dwelling adjacent to the application site is the Vicarage of St Peters Church. The proposed development would cause a degree of overlooking for the occupants of this property, however it is considered that it would be possible to comply with the Council's interface standards and this property is owned by the applicant.
11. Subject to the imposition of suitable conditions to ensure appropriate boundary treatments are implemented and tree protection methods are put in place during construction it is considered that the proposed development could be accommodated in accordance with the Council's interface standards and there would not be an undue loss of privacy for neighbouring residents. No details of ground levels have been provided with the application therefore it is also considered appropriate to attach a condition requiring these details to be provided.

Design and appearance/Impact on the character of the area

12. As the application is in outline only no details of design have been provided, although the planning, design and access statement submitted with the application indicates that the properties are likely to be two storey in scale, with an eaves height of 6m and a ridge height of 9m. The surrounding area is characterised by largely two storey terraced housing, with some more recent developments of semi detached properties such as those on St Joseph's Place. It is considered that an appropriate design could be achieved.
13. The loss of the trees within the site would alter the character of the application site, however the majority of these are smaller trees, such as fruit trees and hawthorn. The majority of trees along the boundaries would be retained. The principle impact will arise from the loss of the protected Sycamore in the south east corner of the site. The impact of the loss of this tree is discussed below.

Trees

14. The proposed development would necessitate the removal of a number of trees within the site (13), one of which is protected by a Tree Preservation Order. The protected tree that is proposed to be felled is a mature sycamore located in the south east corner of the application site, adjacent to the boundary with the recreation ground to the east. The tree is identified as being in good condition in the tree survey submitted with the application by the applicants.
15. The Council's Tree Officer has advised that this tree and T10 in the submitted survey (a sycamore located adjacent to the western boundary of the site with the garden of St Peters Vicarage) should be retained. The applicant has put forward the following in response:
 - The removal of the two trees is necessary to enable the development;
 - They are retaining as many trees as reasonably possible;
 - Both trees are sycamores, a common variety with limited local interest;
 - The site and it's boundaries are reasonably wooded, such that the loss of the two trees is unlikely to have a significant impact on the overall
 - They would offer appropriate compensatory planting for their loss if required.
16. Whilst it is acknowledged that the trees in question are in good condition, only one is protected by a TPO and it is this tree that provides a degree of public amenity value. All other trees to be felled, including T10, are located within the site and provide little public amenity value. Policy BNE10 of the emerging Local Plan states that proposals that would result in the loss of trees which make a valuable contribution to the character of the landscape, a building, a settlement or the setting thereof will not be permitted. It is considered that the loss of the non-protected trees could not be reasonably resisted.

17. The Government's Planning Practice Guidance states that in considering an application for tree works to a protected tree, the local planning authority should assess the impact of the proposal on the amenity of the area and whether the proposal is justified, having regard to the reasons and additional information put forward in support of it.
18. Policy BNE10 of the emerging Local Plan states that replacement planting will be required where it is considered that the benefit of the development outweighs the loss of some trees or hedgerows. Tree planting will be required as part of new development proposals.
19. With regard to the protected tree it is acknowledged that the loss would be regrettable, however, the tree is viewed as part of a wider group of trees along the rear of Corporation Street and compensatory planting could be sought. The degree of public amenity provided by this tree is considered to be limited and appropriate mitigative planting can be secured by condition.

Ecology

20. A number of residents have raised concerns regarding the impact of the loss of trees on local wildlife. It is considered that the loss of habitat would be limited and the proposals would not be contrary to policy BNE11 of the emerging Local Plan. According to standing advice previously issued by LCC Ecology a bat survey would not be required in this instance. However, Greater Manchester Ecology Unit have been consulted on the proposals. Their comments will be reported on the addendum

CIL

21. The Chorley CIL Charging Schedule provides a specific amount for housing - £65 per sq m. This was adopted in July 2013 and charging commenced on 1 September 2013. As the proposal results in new residential floor space being a CIL liability notice will be issued for the development. The amount of levy cannot be confirmed at this stage as this is an outline application. However, as an estimate for a 90 sq m house the levy from this development would be £17, 550.

S. 106

22. The NPPG was updated by 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 what are in the Government's view 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.
23. This development is for three dwellings which is below the 10 unit threshold and also has a gross floorspace of less than 1000m². In the case of this development there is no evidence at this time, which is directly related to the development, to seek a contribution towards public open space contrary to the national guidance.

Other Matters

24. A reserved matters application for the site was refused in 2006 (ref. 05/01205/REM). This application was for a greater number of houses and was refused on the basis that the application could be fully assessed due to a lack of required information, the design of the properties did not reflect the character or appearance of the surrounding residential properties, the proposals resulted in the loss of a number of protected trees which had high amenity value and the proposed highway layout was not acceptable. As the current application is in outline only a number of these matters would be addressed at the reserved matters stage. The current proposal now only proposes the removal of one tree and the highway matters have been resolved.

Overall Conclusion

25. It is considered that the proposal would have a very limited impact on the character of the area and would accord with the aims of policies within the Framework and Local Plan that seek to achieve sustainable development. It is also considered that the proposal would not give rise to undue harm to the amenities of neighbouring residents or highway safety and is accordingly recommended for approval.
26. Subject to the receipt of satisfactory comments from the Greater Manchester Ecological Unit the application is accordingly recommended for approval.

Planning Policies

27. 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
01/00667/OUT	Outline application for erection of seven dwellings	Withdrawn	7 th March 2002
02/00398/OUT	Erection of three mews dwellings and one pair of semi detached dwellings	Approved	18 th December 2002
05/01205/REM	Erection of 3 mews dwellings and 1 pair semi-detached dwellings.	Refused	8 th February 2006

Suggested Conditions

No.	Condition									
1.	<p>An application for approval of the reserved matters (namely the appearance, layout, scale and 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>The construction of the proposed driveway located within the root protection area of trees T14 (detailed on the Arboricultural Development Report date June 2013, received 11 December 2014) shall be undertaken using a 'no-dig' cellular confinement system method of construction full details of which shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of the development. The driveway construction method shall thereafter be implemented in accordance with the approved details.</p> <p><i>Reason: To ensure the continued protection of the trees</i></p>									
3.	<p>Before the development hereby permitted is first commenced full details of existing and proposed ground levels and proposed building finished floor 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 previously submitted plan(s). The development shall be carried out strictly 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>									
4.	<p>The development hereby permitted shall be carried out in accordance with the following approved plans:</p> <table border="1" data-bbox="320 1155 1289 1346"> <thead> <tr> <th data-bbox="320 1155 643 1218">Title</th> <th data-bbox="643 1155 965 1218">Drawing Reference</th> <th data-bbox="965 1155 1289 1218">Received date</th> </tr> </thead> <tbody> <tr> <td data-bbox="320 1218 643 1281">Location plan</td> <td data-bbox="643 1218 965 1281"></td> <td data-bbox="965 1218 1289 1281">11 December 2014</td> </tr> <tr> <td data-bbox="320 1281 643 1346">Indicative site layout</td> <td data-bbox="643 1281 965 1346"></td> <td data-bbox="965 1281 1289 1346">11 December 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	Location plan		11 December 2014	Indicative site layout		11 December 2014
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Location plan		11 December 2014								
Indicative site layout		11 December 2014								
5.	<p>Prior to the commencement of any development, full details of the alignment, height and appearance of all fences and walls to be erected to the site boundaries (notwithstanding any such detail shown on previously submitted plan(s)) shall have been submitted to and approved in writing by the Local Planning Authority. No building shall be occupied or land used pursuant to this permission before all walls and fences have been erected in accordance with the approved details. Fences and walls shall thereafter be retained in accordance with the approved details at all times.</p> <p><i>Reason: To ensure a visually satisfactory form of development and to protect the amenities of occupiers of nearby property.</i></p>									
6.	<p>All dwellings commenced after 1st January 2013 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>									
7.	<p>Prior to the commencement of the development, a 'Design Stage' assessment and</p>									

	<p>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 of the Code for Sustainable Homes. The development shall be carried out entirely in accordance with the approved assessment and certification.</p> <p><i>Reason: In the interests of minimising the environmental impact of the development</i></p>
8.	<p>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 submitted to the Local Planning Authority.</p> <p><i>Reason: In the interests of minimising the environmental impact of the development</i></p>
9.	<p>Prior to the removal of any trees, the trees that are to be felled as set out in detailed on the Arboricultural Development Report date June 2013, received 11 December 2014, (with the exception of T14 which is to be retained) shall be inspected for the possible presence of bats by a suitably qualified person. If bats are found by inspection then a Method Statement must be prepared giving details of measures to be taken to avoid any possible disturbance to bats and submitted to and approved in writing by the Local Planning Authority. Once approved this Method Statement must be implemented in full.</p> <p><i>Reason: in the interests of conserving protected species.</i></p>
10.	<p>No tree felling or vegetation clearance required by the scheme should take place during the optimum period for bird nesting (March to July inclusive). All nesting birds their eggs and young are specially protected under the terms of the Wildlife and Countryside Act 1981 (as amended).</p> <p><i>Reason: protection of nesting birds.</i></p>
11.	<p>To replace potential bat roosting and bird nesting opportunities 6 no. bat boxes and 6 no. bird nesting boxes should be erected on suitable remaining trees on or close to the application site.</p> <p><i>Reason: in the interests of conserving protected species.</i></p>