

Item 3e **15/00282/FUL**

Case Officer **Adele Hayes**

Ward **Chisnall**

Proposal **Erection of 1no. dwellinghouse**

Location **H W Moon Ltd**
56 Wood Lane
Heskin
Chorley
PR7 5NU

Applicant **Warwick Construction (NW) Ltd**

Consultation expiry: **12 May 2015**

Decision due by: **30 June 2015**

Recommendation

It is recommended that this application is approved.

Proposal

1. The application site is located within the Green Belt on Wood Lane, close to the junction with Park Hall Road. It was formerly occupied by a Toyota dealership although the building has now been demolished. There are houses on The Warings to the rear and east of the site and residential properties to the west of the site on Wood Lane itself.
2. Outline planning permission was granted for the means of access to 9no. town houses in July 2014 and Members will recall that an application for the reserved matters was approved last month.
3. This application seeks full planning permission for an additional dwelling which will effectively result in 10 dwellings being built on site in two blocks of 5no. dwellings.

Representations

4. One letter has been received from the occupiers of 31 The Warings who are long standing residents of The Warings which adjoins the application site and state that their position is supported by their neighbours at 33, 37, 42 and 44 The Warings.
5. The local residents are also supported by Cllr Whittaker in their request for a 3m high fence to be erected along the rear of the site boundary to ensure that the residents do not experience unacceptable levels of noise, disturbance and pollution from the comings and goings of the proposed car parking area. Concern is also expressed that the risk of crime will be higher once the site is opened up without a higher fence to provide effective security.
6. One letter of support has been received commenting that it is about time permission was granted to build houses on this site and that it must be remembered that Waring (the headmaster to whom the land was gifted) intended housing all the way from opposite Park Hall Road to the top of the brow. It is also considered that this development will not attract the traffic or parking difficulties that the car showroom did.

Consultations

7. Lancashire County Council Highway Engineer – comment that there are no overriding highway objections to the proposed development subject to the imposition of conditions.

Assessment

Principle of the development

8. The principle of redeveloping the site with housing was originally established as being acceptable by the grant of outline planning permission in July last year.
9. The acceptability of the principle of development has therefore been established and this application is for the consideration of an additional dwelling on the site.
10. The National Planning Policy Framework (the Framework) at Paragraph 89 allows limiting infilling or the partial or complete redevelopment of previously developed sites located in the Green Belt, whether redundant or in continuing use, which would not have a greater impact on the openness of the Green Belt and the purpose of including land within it than the existing development. There were a number of large buildings on the site and it is not considered that an additional dwelling will have more impact on the Green Belt than the previously built form and the scheme already approved on the site.

Flood Risk and Drainage

11. The site is not within Flood Zone 1 or 2 as identified by the Environment Agency, nor is it above 1 hectare in size. A flood risk assessment is therefore not required. A condition in relation to foul and surface water management is proposed.

Design and character of the development

12. The proposed layout indicates that the proposed dwelling will form an addition to the previously approved terrace of 4no. dwellings.
13. The dwelling will have three bedrooms and the approved access to the approved communal car parking area will be utilised. Two additional spaces will be provided resulting in an overall provision of 20 no. spaces that will serve 10 dwellings.
14. There are residential properties immediately adjoining the site to the south. The proposed layout of the additional dwelling has considered the relationship with the existing properties and is acceptable.

Impact on the neighbours

15. The nearest residential properties to the site are those on The Warings that adjoin the site to the south. These are dormer bungalow properties, some with rear conservatories with first floor rear windows facing towards the site.
16. The applicant has been made aware of the request that has been made by the local residents who live in these properties and has provided a considered written response that sets out their rationale for the proposed boundary treatment indicated on the drawings.
17. They state that currently there is a small proportion of the rear boundary of the wider site that has a 3m high acoustic fence that was erected following a request from the Council when the workshop of the previous occupier was in full operation.

18. The applicant does not accept that all residents abutting the rear boundary of the wider site are requesting a higher fence and comment is made that one resident has recently erected a new 2m high fence at the rear of their garden and other residents may object to a 3m high fence.
19. Following the applicant's assessment of the options they feel that they should leave the existing boundary fences to each property as is; so the existing 3m fence would remain (this is screened to a large degree with tall conifers at the moment) as well as all the individual fences, as they cannot take down the new fence recently erected by one resident. It is the applicant's intention to erect a 1.8m high fence to the rear boundary to create uniformity for the development and have the same style of fence, again 1.8m high, to provide privacy and security to the rear gardens of the proposed properties.
20. The applicant considers that a 3m high fence to the rear boundary and a 1.8m high fence to the rear gardens of the proposed dwelling would restrict light to the garden, give a non-uniform appearance and create a dark and oppressive access pathway to the rear gardens of the proposed properties. Whilst the 3m high fence between residential and commercial use properties seems logical; a 1.8m high fence between residential properties is more usual, more acceptable and in keeping with the use, whereas a 3m fence may well look out of place.
21. The proposed boundary treatment to the rear of the site is considered to be acceptable and Members accepted this as part of the details approved at reserved matters stage for the wider site.
22. The proposed additional dwelling will be screened from the existing hairdressing salon located to the west by the previously approved dwellings. Number 48 Wood Lane is the nearest residential property to the west, it has no windows in its end gable and although it has a single storey rear extension with a small side facing window, this window will be screened from the houses by the intervening existing hairdressing salon building. To the east are nos. 56 and 58 The Warings that face towards the side of the wider site. The only property opposite the site is High Barn Farm, which is set back from the road by over 30m. The Council's interface distances require there to be 21m between first floor facing windows, 10m between first floor windows and the boundaries with other properties they face and 12m between first floor windows and a blank wall. The proposed layout complies with these interface distances and therefore it is considered that the relationship with adjoining properties is acceptable.

Highway safety

23. The means of access to the wider site was approved at outline stage and comprises a single access to the wider site between the proposed terraces of houses. LCC Highways consider the access point and visibility from it to be acceptable. The footway and the kerbs in front of the development will be required to be reinstated to their original levels at the applicant's expense through a S278 agreement of the Highways Act 1980.
24. The proposed layout shows the provision of 20 no. parking spaces. The Council's standards require 2 spaces for two or three bed dwellings and accordingly the proposed car parking provision is adequate for the nine dwellings that are proposed.
25. In relation to the hairdressing salon next to the site, which has limited off road parking to the front, there is only one access proposed to the site. The Council cannot guarantee that future property owners will not be allowed to drop kerbs to the front of the properties in the future. Such works would require planning permission as Wood Lane is a classified road, but the Council cannot prevent such applications being made nor can it predetermine the outcome of such applications if they are made, which must be determined on their own merits in accordance with policies in force at

the time such applications are made taking into account the advice of LCC as the Highways Authority.

CIL

26. 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 created a CIL liability notice will be issued for the development.

Open Space

27. 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 selfbuild 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.
28. Members of the Committee will also be aware that a Ministerial Statement was made to parliament on 25 March 2015, which sought to update the house on various matters in relation to the planning system, including the following clarification to the recent statement of 28 November as detailed above,
29. The Statement relates to 'Support for small scale developers, custom and selfbuilders' - which set aside tariff style obligations for developments of less than 10 units and less than 1,000 sq m.' and was as follows;
- "We have previously revised national policy on Section 106 thresholds to help small builders and to encourage empty buildings to be brought back into use. Some councils have misinterpreted the written ministerial statement of 28 November 2014 - to clarify, this was a change in national policy and we will be updating the online planning guidance/policy website to make this crystal clear."
30. The proposed development is for one additional dwelling 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 planning policy.
31. Furthermore, the outline application was supported by a viability report due to site constraints associated with the former petrol storage tanks that demonstrated that the costs of developing the wider site did not provide a surplus to pay this commuted sum in lieu of the provision of open space. The viability assessment was accepted and the benefit of developing the site, which has become an eyesore on a prominent site in the Borough, was considered to outweigh the normally required payment.

Conclusion

32. It is recommended that the application is approved.

Note on the Emerging Chorley Local Plan 2012-2026

33. In October 2013, the Local Plan Inspector issued her partial report on the findings into the soundness of the Chorley Local Plan 2012-2026 which is a material consideration in the consideration 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 and Travellers.

34. 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 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 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.”*
35. The Council accepted the Local Plan Inspector’s modifications for Development Management purposes at its Executive Committee on 21st November 2013. It is therefore considered that significant weight can be given to her report, and to the policies and proposals of the emerging Local Plan, as amended by the main modifications.
36. Further consideration has been given to matters relating to Gypsies and Travellers, and the Local Plan Inspector’s Supplementary Report on Gypsy and Traveller and Travelling Showpeople was issued (8 May 2015) and it concludes that the part of the Chorley Local Plan dealing with Gypsy and Traveller and Travelling Showpeople policy and site allocation is also sound, providing a number of main modifications are made.

Planning History

Ref: 87/00749/FUL **Decision:** PERFPP **Decision Date:** 1 December 1987
Description: Refurbishment and extension of existing car showroom

Ref: 90/00832/ADV **Decision:** PERFPP **Decision Date:** 6 November 1990
Description: Display of internally illuminated fascia signs and double sided freestanding illuminated forecourt sign

Ref: 02/00499/ADV **Decision:** PERADV **Decision Date:** 27 August 2002
Description: Display of illuminated and non-illuminated advertisement signs,

Ref: 03/01178/FUL **Decision:** PERFPP **Decision Date:** 13 January 2004
Description: Erection of 3m acoustic fencing at rear of 27 & 29 The Warings,

Ref: 07/00661/OUT **Decision:** WDN **Decision Date:** 31 July 2007
Description: Outline application for residential development of 9 town houses (layout & access only),

Ref: 08/00704/OUT **Decision:** WDN **Decision Date:** 18 November 2008
Description: Demolition of existing buildings and erection of 9 town houses

Ref: 13/00365/OUT **Decision:** PEROPP **Decision Date:** 10 July 2013
Description: Outline application for the demolition of existing buildings and erection of 9no. town houses (specifying access only).

Ref: 14/00352/DEMCON **Decision:** PERDEM **Decision Date:** 28 April 2014
Description: Demolition of structure above ground level of former showrooms, offices and workshops

Ref: 15/00281/REM **Decision:** PERRES **Decision Date:** 29 May 2015
Description: Reserved matters application pursuant to outline planning permission 13/00365/OUT for the erection of 9 no. dwellings. Appearance, layout, scale and landscaping to be considered.

Conditions

The following conditions are suggested:

No.	Condition																		
1.	<p>The Development shall only be carried out in accordance with the approved plans, except as may otherwise be specifically required by any other condition of the outline planning permission or this approval of reserved matters.</p> <p><i>Reason: To define the permission and in the interests of the proper development of the site.</i></p>																		
2.	<p>The proposed development must be begun not later than three years from the date of this permission.</p> <p><i>Reason: Required to be imposed by 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>																		
3.	<p>The approved plans are:</p> <table border="1" data-bbox="349 792 1401 1249"> <thead> <tr> <th data-bbox="349 792 679 869">Plan reference number:</th> <th data-bbox="679 792 1153 869">Title:</th> <th data-bbox="1153 792 1401 869">Date received:</th> </tr> </thead> <tbody> <tr> <td data-bbox="349 869 679 945">D146/P41</td> <td data-bbox="679 869 1153 945">Location Plan</td> <td data-bbox="1153 869 1401 945">27 March 2015</td> </tr> <tr> <td data-bbox="349 945 679 1021">D146/P44</td> <td data-bbox="679 945 1153 1021">Proposed Site Plan</td> <td data-bbox="1153 945 1401 1021">27 March 2015</td> </tr> <tr> <td data-bbox="349 1021 679 1097">D146/P45</td> <td data-bbox="679 1021 1153 1097">Proposed Site Plan + Levels</td> <td data-bbox="1153 1021 1401 1097">27 March 2015</td> </tr> <tr> <td data-bbox="349 1097 679 1173">D146/P49</td> <td data-bbox="679 1097 1153 1173">Proposed Floor Plans</td> <td data-bbox="1153 1097 1401 1173">27 March 2015</td> </tr> <tr> <td data-bbox="349 1173 679 1249">D146/P50</td> <td data-bbox="679 1173 1153 1249">Proposed Elevations</td> <td data-bbox="1153 1173 1401 1249">27 March 2015</td> </tr> </tbody> </table> <p><i>Reason: To define the permission and in the interests of the proper development of the site.</i></p>	Plan reference number:	Title:	Date received:	D146/P41	Location Plan	27 March 2015	D146/P44	Proposed Site Plan	27 March 2015	D146/P45	Proposed Site Plan + Levels	27 March 2015	D146/P49	Proposed Floor Plans	27 March 2015	D146/P50	Proposed Elevations	27 March 2015
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4.	<p>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>																		
5.	<p>The development hereby permitted shall only be carried out in conformity with the proposed ground and building slab levels shown on the approved plans.</p> <p><i>Reason: To protect the appearance of the locality and in the interests of the amenities of local residents.</i></p>																		
6.	<p>All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following the occupation of any dwellings or the completion of the development within the relevant Phase, whichever is the earlier, 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, unless the</p>																		

	<p>Local Planning Authority gives written consent to any variation.</p> <p><i>Reason: In the interest of the appearance of the locality.</i></p>
7.	<p>The car parking spaces shall be surfaced or paved, drained and marked out all in accordance with the approved plan before any dwellings are first occupied. The car park and vehicle manoeuvring areas shall not thereafter be used for any purpose other than the parking of and manoeuvring of vehicles.</p> <p><i>Reason: To ensure adequate on site provision of car parking and manoeuvring areas.</i></p>
8.	<p>No development shall be commenced until an Estate Street Phasing and Completion Plan has been submitted to and approved in writing by the Local Planning Authority. The Estate Street Phasing and Completion Plan shall set out the development phases and the standards that estate streets serving each phase of the development will be completed.</p> <p><i>Reason: To ensure that the estate streets serving the development are completed and thereafter maintained to an acceptable standard in the interest of residential / highway safety; to ensure a satisfactory appearance to the highways infrastructure serving the development; and to safeguard the visual amenities of the locality and users of the highway.</i></p>
9.	<p>No dwelling or dwellings shall be occupied until the estate street(s) affording access to those dwelling(s) has been completed in accordance with the Lancashire County Council Specification for Construction of Estate Roads.</p> <p><i>Reasons: To ensure that the estate streets serving the development are completed and maintained to the approved standard, and are available for use by the occupants, and other users of the development, in the interest of highway safety; to ensure a satisfactory appearance to the highways infrastructure serving the approved development; and to safeguard the visual amenities of the locality and users of the highway.</i></p>
10.	<p>No development shall be commenced until details of the proposed arrangements for future management and maintenance of the proposed streets within the development have been submitted to and approved by the local planning authority. The streets shall thereafter be maintained in accordance with the approved management and maintenance details until such time as an agreement has been entered into under section 38 of the Highways Act 1980 or a private management and maintenance company has been established.</p> <p><i>Reasons: To ensure that the estate streets serving the development are Managed and maintained to the approved standard, and are available for use by the occupants, and other users of the development, in the interest of highway safety; to ensure a satisfactory appearance to the highways infrastructure serving the approved development; and to safeguard the visual amenities of the locality and users of the highway.</i></p>
11.	<p>No development shall be commenced until full engineering, drainage, street lighting and constructional details of the streets proposed for adoption have been submitted to and approved in writing by the Local Planning Authority. The development shall, thereafter, be constructed in accordance with the approved details, unless otherwise agreed in writing with the Local Planning Authority.</p> <p><i>Reason: In the interest of highway safety; to ensure a satisfactory appearance to the highways infrastructure serving the approved development; and to safeguard the visual amenities of the locality and users of the highway.</i></p>
12.	<p>Before the use of the site hereby permitted is brought into operation and for the full period of construction, facilities shall be provided within the site by which means the wheels of vehicles may be cleaned before leaving the site.</p>

	<i>Reason: To avoid the possibility of the public highway being affected by the deposit of mud and/or loose materials thus creating a potential hazard to road users.</i>
13.	<p>Prior to construction, a construction plan shall be submitted to and approved in writing by the Local Planning Authority. The plan to include method and details of construction including vehicle routing to the site, construction traffic parking and any proposed temporary closing of roads or streets. No construction traffic or deliveries to enter/exit during traffic peak periods or to wait on the public highway. Such construction plan to be implemented and adhered to during the construction of the development.</p> <p><i>Reason: To maintain the operation of local streets and through routes in the area during construction, particularly during peak periods.</i></p>
14.	<p>No part of the development hereby approved shall commence until a scheme for the construction of the site access and the off-site works of highway improvement has been submitted to, and approved by, the Local Planning Authority in consultation with the Highway Authority.</p> <p><i>Reason: In order to satisfy the Local Planning Authority and Highway Authority that the final details of the highway scheme/works are acceptable before work commences on site.</i></p>
15.	<p>There is a potential for ground contamination at this site (former garage with underground fuel storage tanks). Due to the scale of development and proposed sensitive end-use (residential housing with gardens), no development shall take place until:</p> <p>a) a methodology for investigation and assessment of ground contamination has been submitted to and agreed in writing with the Local Planning Authority. The investigation and assessment shall be carried in accordance with current best practice including British Standard 10175:2011 'Investigation of potentially contaminated sites - Code of Practice'. The objectives of the investigation shall be, but not limited to, identifying the type(s), nature and extent of contamination present to the site, risks to receptors and potential for migration within and beyond the site boundary;</p> <p>b) all testing specified in the approved scheme (submitted under a) and the results of the investigation and risk assessment, together with remediation proposals to render the site capable of development have been submitted to the Local Planning Authority;</p> <p>c) the Local Planning Authority has given written approval to any remediation proposals (submitted under b), which shall include an implementation timetable and monitoring proposals. Upon completion of remediation works a validation report containing any validation sampling results shall be submitted to the Local Authority.</p> <p>Thereafter, the development shall only be carried out in full accordance with the approved remediation proposals.</p> <p>Should, during the course of the development, any contaminated material other than that referred to in the investigation and risk assessment report and identified for treatment in the remediation proposals be discovered, then the development should cease until such time as further remediation proposals have been submitted to and approved in writing by the Local Planning Authority.</p> <p><i>Reason: To protect the environment and prevent harm to human health, by ensuring the site is suitable for the proposed end-use.</i></p>
16.	<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>
17.	<p>No development shall take place until a scheme for the provision and implementation of a surface water regulation system has been submitted to and approved in writing by the</p>

	<p>Local Planning Authority. No part of the development shall be occupied until the scheme has been implemented in accordance with the approved plans. <i>Reason: To secure proper drainage and to prevent flooding.</i></p>
18.	<p>The new dwelling shall achieve a minimum Dwelling Emission Rate of 19% above 2013 Building Regulations. <i>Reason: Policy 27 of the Adopted Central Lancashire Core Strategy requires new dwellings to be built to Code for Sustainable Homes Level 4 however following the Deregulation Bill 2015 receiving Royal Assent it is no longer possible to set conditions with requirements above a Code Level 4 equivalent. However as Policy 27 is an adopted Policy it is still possible to secure energy efficiency reductions as part of new residential schemes in the interests of minimising the environmental impact of the development.</i></p>
19.	<p>Prior to the commencement of the development details shall be submitted to and approved in writing by the Local Planning Authority demonstrating that the dwelling will meet the required Dwelling Emission Rate. The development thereafter shall be completed in accordance with the approved details. <i>Reason: Policy 27 of the Adopted Central Lancashire Core Strategy requires new dwellings to be built to Code for Sustainable Homes Level 4 however following the Deregulation Bill 2015 receiving Royal Assent it is no longer possible to set conditions with requirements above a Code Level 4 equivalent. However as Policy 27 is an adopted Policy it is still possible to secure energy efficiency reductions as part of new residential schemes in the interests of minimising the environmental impact of the development. This needs to be provided prior to the commencement so it can be assured that the design meets the required dwelling emission rate.</i></p>
20.	<p>The dwelling hereby approved shall not be occupied until a SAP assessment (Standard Assessment Procedure), or other alternative proof of compliance (which has been previously agreed in writing by the Local Planning Authority) such as an Energy Performance Certificate, has been submitted to and approved in writing by the Local Planning Authority demonstrating that the dwelling has achieved the required Dwelling Emission Rate. <i>Reason: Policy 27 of the Adopted Central Lancashire Core Strategy requires new dwellings to be built to Code for Sustainable Homes Level 4 however following the Deregulation Bill 2015 receiving Royal Assent it is no longer possible to set conditions with requirements above a Code Level 4 equivalent. However as Policy 27 is an adopted Policy it is still possible to secure energy efficiency reductions as part of new residential schemes in the interests of minimising the environmental impact of the development</i></p>