

Item 3b **15/00936/FUL**
Case Officer **Iain Crossland**
Ward **Chorley North East Ward**
Proposal **Erection of 2no. semi-detached houses and 3no. terraced houses including access road and parking facilities**
Location **St Peters Vicarage
Harpers Lane
Chorley
PR6 0HT**
Applicant **J.B.Loughlin (Contractors) Ltd**
Consultation expiry: **19 October 2015**
Decision due by: **12 November 2015**

Delegated		Delegated following Chairs Brief		Committee	X
Date: 13 th October 2015					

	Case Officer	Authorising Officer
	IC	
Date	15 th October 2015	

Recommendation

Approve full planning permission subject to conditions and the associated S106 Agreement

Executive Summary

This application is for the erection of five dwellings and associated access. The application site forms an area of vacant land adjacent to 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.

Consultees

Consultee	Summary of Comments received
Conservation Officer	I consider the proposed development to be acceptable. It will preserve the appearance of the nearby listed building, St Peter's Church, and sustain the significance of this designated heritage asset.
Contaminated Land Officer	No objections

Assessment

The Site

1. The application site is vacant land, located to the east side of St Peters Vicarage, which is located within the core settlement area of Chorley. The land is physically separated from the garden of the vicarage and is overgrown, although it is possible that this once formed land associated with the vicarage. In accordance with the Framework the site is therefore considered to be previously undeveloped land.
2. The area is characterised by dense residential development of traditional designs. There are also examples of more recent housing development. There is a public park to the east of the site and the listed St Peter's Church to the north.

The Proposal

3. The proposed development is for the erection of two semi-detached houses and three terraced houses with a new access the site from Vicarage Street to the south. The dwellings are of traditional design and have gardens to the rear and parking to the front. The semi-detached dwellings are located to the south of the site and measure a total of 9.8m by 10.3m with a ridge and eaves height of 8.16m and 4.95m respectively. The terraced dwellings located to the north of the site measure a total of 9.8m by 16.8m with a ridge and eaves height of 8.16m and 4.95m respectively.

Assessment

The main issues are as follows:-

Issue 1 – Impact on the amenity of neighbouring occupiers

Issue 2 – Impact on character and appearance of the locality

Issue 3 – Impact on trees

Issue 4 – Impact on highways/access

Principle of the Development

4. The National Planning Policy Framework (The Framework) states that housing applications should be considered in the context of the presumption in favour of sustainable development. This means that development proposals that accord with the development plan should be approved without delay.
5. Policy 1 of the Central Lancashire Core Strategy focusses growth towards the Key Service Centre of Chorley where this site is located.
6. The application site is located in the core settlement area of Chorley. The adopted Chorley Local Plan 2012 – 2026 policy V2 states that within the settlement areas excluded from the Green Belt, and identified on the Policies Map, there is a presumption in favour of appropriate sustainable development.
7. Policy V1 of the Chorley Local Plan 2012 – 2026 states that:
Where there are no policies relevant to the application or relevant policies are out of date at the time of making the decision then the Council will grant permission unless material considerations indicate otherwise, taking into account whether:
 - a) any adverse impacts of granting permission would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole and those contained in the Core Strategy; or
 - b) specific policies in the Framework and Core Strategy indicate that development should be restricted.
8. 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.

Neighbour Amenity

9. Policy BNE1 of the 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.
10. The proposed plans demonstrate that the rear elevations of plots 1 and 2 proposed would be approximately 12m from the north facing side elevation of 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 7 Vicarage Street would be afforded, however, the 12 metres between the rear elevation of the proposed dwellings and the boundary with 7 Vicarage Street 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, and would not result in any unacceptable loss of privacy. 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.
11. The mews dwellings at plots 3 to 5 are positioned adjacent to the Vicarage of St Peters Church, and provide no views of any windows or the private intimate amenity space at this property. Plots 1 and 2 of the proposed development would cause a degree of overlooking in relation to the rear garden at the Vicarage. Plot 2 would be located approximately 19m from the Vicarage, however, the windows to habitable rooms would not be parallel and do not therefore contravene the interface distances. Although views of the garden would be possible these would not be direct and would only be from first floor windows, if appropriate boundary fencing is secured. In addition this property is owned by the applicants.
12. The proposed plans demonstrate that the proposed dwellings that would directly face one another would be 21m apart, which complies with the Council's interface standards, and would provide an adequate degree of privacy for future occupiers.
13. 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 would be in accordance with the Council's interface standards and that there would be no undue loss of privacy for neighbouring residents. No details of ground levels have been provided with the application however the site is relatively flat and 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

14. The site layout illustrates the arrangement of three, two storey mews dwellings and two, two storey semi-detached dwellings with open parking areas to the front, contained gardens to the rear and access from Vicarage Street, whilst retaining the protected sycamore tree to the front.
15. 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. The proposed dwellings are of a similar scale to the surrounding properties and are of an appropriate design.
16. The scheme provides areas for bin storage within the curtilage of the proposed dwellinghouses and a communal collection point for bins. The layout is appropriate to the site with plot 5 providing a focal point view at the end of the access drive.
17. 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, along with the protected trees, thereby enhancing the character of the scheme, without harming the character of the wider locality.

Trees

18. The proposed development would necessitate the removal of a number of trees within the site. There is a protected sycamore tree 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. The tree provides a good degree of public amenity value. As such the applicants have agreed to accommodate the protected tree within the scheme and will ensure its protection during the development through accepting a condition requiring the proposed driveway located within the root protection area to be undertaken using a 'no-dig' cellular confinement system method of construction
19. All other trees to be felled are located within the site and provide little public amenity value. Policy BNE10 of the 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.
20. 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.
21. Policy BNE10 of the 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. Replacement tree planting will be required as part of new development proposals.

Highway Safety

22. The proposed access arrangements have already been assessed as being acceptable on a previous application (14/01297/OUT). There would be four three bedroom dwellings and one two bedroom dwelling and off street car parking for 10 cars (two per dwelling). This complies with the adopted parking standards (Policy ST4 of the Local Plan).

Ecology

23. 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 Local Plan. According to standing advice previously issued by LCC Ecology a bat survey would not be required in this instance.
24. Greater Manchester Ecology Unit (GMEU) provided further advice on a recent application (14/01297/OUT) on the site stating that the loss of several trees to the development will reduce the amount of foraging habitat available to foraging bats or nesting birds but did not consider that these losses will significantly affect the long-term population status of birds and 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.
25. GMEU recommended that several conditions be attached to the previous planning permission, which it is recommended to carry through into this application

CIL

26. The development is CIL liable. 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 a CIL liability notice will be issued for the development. CIL is also subject to in indexation.

Public Open Space

27. In line with Local Plan Policies HS4A and HS4B the applicant will need to enter into a Section 106 legal agreement requiring a payment of £9,440 towards amenity greenspace, equipped play areas, allotments and playing pitches. The legal agreement will be drawn up and passed to the applicant in due course. Any planning permission would therefore be subject to this S106.

Sustainable Resources

28. Policy 27 of the Core Strategy currently requires dwellinghouses to be built to meet Code for Sustainable Homes Level 4 which increases to Level 6 on 1st January 2016. However the 2015 Deregulation Bill received Royal Assent on Thursday 26th March 2015 which effectively removes Code for Sustainable Homes. The Bill does include transitional provisions which include:

“For the specific issue of energy performance, local planning authorities will continue to be able to set and apply policies in their Local Plans which require compliance with energy performance standards that exceed the energy requirements of Building Regulations until commencement of amendments to the Planning and Energy Act 2008 in the Deregulation Bill 2015. This is expected to happen alongside the introduction of zero carbon homes policy in late 2016. The government has stated that, from then, the energy performance requirements in Building Regulations will be set at a level equivalent to the (outgoing) Code for Sustainable Homes Level 4. Until the amendment is commenced, we would expect local planning authorities to take this statement of the government’s intention into account in applying existing policies and not set conditions with requirements above a Code Level 4 equivalent.”

“Where there is an existing plan policy which references the Code for Sustainable Homes, authorities may continue to apply a requirement for a water efficiency standard equivalent to the new national technical standard, or in the case of energy a standard consistent with the policy set out in the earlier paragraph in this statement, concerning energy performance.”

29. As such there will be a requirement for the dwelling to achieve a minimum Dwelling Emission Rate of 19% above 2013 Building Regulations in accordance with the above provisions.

Overall Conclusion

30. 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.

Planning Policies

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

Planning History

Reference	Description	Decision	Date
14/01297/OUT	Outline application for the erection of up to three dwellings, including details of the means of access	Approved	02 April 2015
05/01205/REM	Erection of 3 mews dwellings and 1 pair semi-detached	Refused	08 February 2006

	dwellings.		
02/00398/OUT	Erection of 3 mews dwellings and 1 pair semi-detached dwellings	Approved	18 December 2002

Suggested Conditions

No.	Condition
1.	<p>The proposed development must be begun not later than three years from the date of this permission. <i>Reason: Required to be imposed by Section 51 of the Planning and Compulsory Purchase Act 2004</i></p>
2.	<p>Prior to the commencement of any development, a surface water drainage scheme, based on the hierarchy of drainage options in the National Planning Practice Guidance with evidence of an assessment of the site conditions (inclusive of how the scheme shall be managed after completion) shall be submitted to and approved in writing by the Local Planning Authority.</p> <p>The surface water drainage scheme must be in accordance with the Non-Statutory Technical Standards for Sustainable Drainage Systems (March 2015) or any subsequent replacement national standards and unless otherwise agreed in writing by the Local Planning Authority, no surface water shall discharge to the public sewerage system either directly or indirectly.</p> <p>The development shall be completed, maintained and managed in accordance with the approved details.</p> <p>Reason: This information was not supplied at application stage and is required to promote sustainable development, secure proper drainage and to manage the risk of flooding and pollution.</p>
3.	<p>Surface water must drain separate from the foul and no surface water will be permitted to discharge to the foul sewerage system. The surface water must be restricted to existing runoff rates and unless otherwise agreed in writing by the Local Planning Authority and no surface water shall discharge to the public sewerage system either directly or indirectly. <i>Reason: To secure proper drainage of the site.</i></p>
4.	<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 16 September 2015, (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. <i>Reason: in the interests of conserving protected species.</i></p>
5.	<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). <i>Reason: protection of nesting birds.</i></p>
6.	<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. <i>Reason: in the interests of conserving protected species</i></p>
7.	<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 16 September 2015) 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</p>

	<p>commencement of the development. The driveway construction method shall thereafter be implemented in accordance with the approved details. <i>Reason: To ensure the continued protection of the trees</i></p>
8.	<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. <i>Reason: No details were submitted with the application and are required to protect the appearance of the locality and in the interests of the amenities of local residents.</i></p>
9.	<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. <i>Reason: No details were supplied at with the application and are required to ensure a visually satisfactory form of development and to protect the amenities of occupiers of nearby property.</i></p>
10.	<p>Prior to the commencement of the development a Construction Method Statement shall be submitted to and approved in writing by the Local Planning Authority. The approved Statement shall be adhered to throughout the construction period. The Statement shall provide for:</p> <ul style="list-style-type: none"> • the parking of vehicles of site operatives and visitors • hours of operation (including deliveries) during construction • loading and unloading of plant and materials • storage of plant and materials used in constructing the development • wheel washing facilities • measures to control the emission of dust and dirt during construction • a scheme for recycling/disposing of waste resulting from construction works • Full details of the pruning works required to the crown of the protected tree at the entrance to the application site <p><i>Reason: in the interests of highway safety, to protect the amenities of the nearby residents and to ensure that the construction traffic does not damage the protected tree at the entrance to the application site.</i></p>
11.	<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 buildings or the completion of the development, 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. <i>Reason: In the interest of the appearance of the locality</i></p>
12.	<p>Before any tree felling is carried out full details (including species, number, stature and location) of the replacement tree planting shall have been submitted to and approved in writing by the Local Planning Authority. The replacement tree planting shall be carried out in accordance with the approved details within nine months of the tree felling.</p>

	<i>Reason: To safeguard the visual amenity of the area</i>
13.	Notwithstanding the details shown on the submitted plans, the proposed car parking and turning areas shall be constructed using permeable materials on a permeable base, or provision shall be made to direct run-off water from the hard surface to a permeable or porous area or surface within the boundaries of the property (rather than to the highway), unless otherwise agreed to in writing by the Local Planning Authority. Reason: In the interests of highway safety and to prevent flooding
14.	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. <i>Reason: No details were supplied at with the application and are required to ensure that the materials used are visually appropriate to the locality</i>
15.	All new dwellings are required to achieve a minimum Dwelling Emission Rate of 19% above 2013 Building Regulations. 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 reduction as part of new residential schemes in the interests of minimising the environmental impact of the development.
16.	Prior to the commencement of the development details shall be submitted to and approved in writing by the Local Planning Authority demonstrating that each dwelling will meet the required Dwelling Emission Rate. The development thereafter shall be completed in accordance with the approved details. 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.
17.	No dwelling hereby approved shall 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. 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.
18.	The development shall be carried out in accordance with the following plans: Plan Ref. Received On: Title:

	15/076/L01	16 Sept 2015	Location plan
	15/076/P01 Rev. A	16 Oct 2015	Proposed site layout plan
	15/076/P02 Rev. A	16 Oct 2015	Proposed plans and elevations
	Reason: For the avoidance of doubt and in the interests of proper planning.		