

Item 3g	16/00359/FUL
Case Officer	Iain Crossland
Ward	Ecclestone and Mawdesley Ward
Proposal	Erection of 4 no. detached dwellinghouses and associated garages
Location	Land 35M West Of 19 Bannister Lane Ecclestone
Applicant	N. Andrews Homes Ltd.
Consultation expiry:	20 May 2016
Decision due by:	13 June 2016

Recommendation

It is recommended that this application is approved subject to conditions and the associated Legal Agreement

Executive Summary

The main issues to consider are the loss of the open space, whether the proposal would result in an acceptable impact on neighbour amenity, the character and appearance of the surrounding area and the highway impact. As assessed below the proposals are considered to be acceptable when assessed against the relevant criteria

Representations

Eccleston Parish Council no comments received	
In total 2 representations have been received which are summarised below	
Support	
Total No. received: 2	
<ul style="list-style-type: none">• Support on the basis that a tree at the entrance to the estate is transplanted.• Support for the development but suggestion that the dwellings facing Bannister Lane should be turned to face the estate, and concerns over highway safety regarding access to plot 4.	

Consultees

Consultee	Summary of Comments received
GMEU (Ecology)	No overall objections to the scheme on ecological grounds
LCC Public rights of way officer	The proposed development site does not affect a route recorded by the Definitive Map of Public Rights of Way so I have no comments to make with regards this application.
United Utilities	United Utilities will have no objection to the proposal and therefore request no conditions are attached to any approval.
LCC Highways	No objection to the proposed development

Assessment

The Site

1. The application site is an area of open space located within the settlement area of Ecclestone. The site is relatively level and comprises rough grassland land bounded to the west by Larkfield, a telephone exchange to the north, and Bannister Lane to the east and south wherein the site tapers back at roughly 45° following the line of the road. A public footpath crosses the site from east to west and there are trees on the site in the north eastern corner, which are the subject of a TPO (Tree Preservation Order) along with other trees to the east outside of the site boundary which are also subject to the same TPO. There are other trees on the site boundaries which are not the subject of a TPO.
2. The area is characterised predominantly by residential dwellings in a variety of design styles and types, which result in a generally suburban character. The dwellings along Larkfield are of a modern dormer bungalow design style, whilst those on Bannister Lane are of a more traditional design style.

The Proposal

3. The proposed development is for the erection of four detached dwellinghouses with associated garden curtilage and detached garages.
4. The proposed dwellings would have a traditional design with dual pitched roofs and gable features. There would be enclosed gardens to the rear of the properties, with driveway parking to the sides and small front gardens bound by a hedge. There would be a 1.8m high wall to the rear of Plots 3 and 4 facing the access from Larkfield.
5. Vehicular access to plots 1 to 3 would be gained from Larkfield, whilst access to Plot 4 would be direct from Bannister Lane. All dwellings would have pedestrian access to Larkfield and the public footpath leading to Bannister Lane.
6. The route of a public footpath crossing the site would be altered slightly, with public access retained.

Assessment

The main issues are as follows:-

Issue 1 – Loss of Public Open Space

Issue 2 – Impact on character and appearance of the locality

Issue 2 – Impact on neighbour amenity

Issue 3 – Impact on highways/access

Issue 4 – Ecology and trees

Issue 6 – S106

Issue 7 – CIL

Issue 8 – Other matters

Principle of the Development

7. 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.
8. Policy 1(e) of the Central Lancashire Core Strategy encourages limited growth and investment to meet local housing needs in Rural Local Service Centres such as Ecclestone.
9. The application site is located in the core settlement area of Ecclestone, on an area of amenity open space designated as such within the Chorley Local Plan 2012 - 2026. Policy HW2 of the Chorley Local Plan 2012 – 2026 states that land and buildings currently or last used as, or ancillary to, open space or sports and recreational facilities will be protected unless certain criteria can be met. These are assessed below.

10. This approach is reflected and supported in the National Planning Policy Framework (The Framework).
11. 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 of public transport and amenities such as shops, schools, churches and community facilities. The Framework also states that development in sustainable locations should be approved without delay.
12. Policy BNE1 of the Chorley Local Plan 2012 – 2026 states that planning permission will be granted for new development, including extensions, conversions and free standing structures, provided that the proposal does not have a significantly detrimental impact on the surrounding area by virtue of its density, siting, layout, building to plot ratio, height, scale and massing, design, orientation and use of materials.

Loss of Public Open Space

13. Outline planning permission was previously granted for residential development although this lapsed in November 2013. The site is also now identified in the adopted Chorley Local Plan as Existing Open Space under Policy HW2.
14. The site is an existing area of open space and was identified and assessed as part of the Open Space Study and therefore allocated as open space in the adopted Chorley Local Plan 2012-26. Whilst the site may have previously benefitted from outline planning permission, this does not mean that it should not have been allocated as open space as there was no guarantee that the site would be developed. Furthermore, Local Plan Policy HW2 does not just apply to allocated open space, it also applies to any land currently or last used as open space therefore even if not allocated as open space Policy HW2 would still apply.
15. There is currently a significant deficit of amenity greenspace in Eccleston and the loss of further amenity greenspace would make this deficit worse.
16. The site is assessed as being low quality and low value in the Open Space Study and is not owned by the Council and, therefore, the Council do not have direct control over improving its quality and value. The site is also not considered to be a suitable location for recreational open space given its proximity to a road and the fact that it is not directly overlooked which raises safety issues.
17. The site appears rather unkempt and has been recently cut back to grass. It suffers a sense of abandonment, which is likely to persist without development given that it is in private ownership. It is considered that the site does not make a significant contribution to the character of an area in terms of visual amenity.
18. It is acknowledged that there may not be any suitable land available in Eccleston to provide alternative provision. In this instance it is considered that a commuted sum for the loss of the site would be acceptable, which the Council can then use for to improve existing open space provision in Eccleston.
19. On the basis of the above any planning approval would therefore be dependent upon a section 106 agreement detailing and securing such payment. The amount of open space to be lost is 1800 square metres. The commuted sum that would be required to replace this amount of amenity open space is £14,400 (1800 x £8).

Design and impact on the character of the area

20. The proposal is for the erection of four detached dwellinghouses. The proposed dwellings would be of a traditional design style and will utilise red clay facing bricks throughout with brick plinth and dentil details with artstone heads and sills to the window and door openings. The roofs will be finished in a grey concrete tile with red interlocking ridge tiles.

21. There are a range of properties types and styles in the area that have been developed over different periods of time resulting in mix of designs across the locality. The scale of development in the locality is split between the dormer bungalows of Larkfield to the west and of more traditional properties to the east at Bannister Lane that are mostly two storey in height. The proposed development would be compatible with the existing urban form providing a transition between two different scales of development.
22. The application site is bounded by residential properties to the west along Larkfield. The development would be a continuation of this street, and although the dwellings on Larkfield are of a modern dormer bungalow style, it is noted that the dwellings to the east on Bannister Lane are more traditional design. The proposed development would result in a transition between the two and would help bring Larkfield to a more suitable conclusion in comparison with the existing abrupt end to the street.
23. The dwellings at plot 1 and 2 would face the continued highway from Larkfield and would be consistent with the layout along Larkfield. Plots 3 and 4 would face Bannister Lane, which will help to improve the street scene along Bannister Lane in this location through the introduction of an active street frontage. The traditional design of the dwellings would reflect that of other dwellings along Bannister Lane. The scale would also be similar and the use of a hedge to the front boundary would suitably reflect the rural character of the lane.
24. It is noted that plots 3 and 4 would face away from the continued highway at Larkfield. Although this would not normally be encouraged this situation is considered to be acceptable in this instance in order to deliver an active street frontage along Bannister Lane. The effect of this on the new section of Larkfield is mitigated to some extent by the fact that plots 1 and 2 will face this highway, and that plots 3 and 4 have added detail to the rear by way of pediment features in the rear roof slope. There would be a screen wall to the rear of plots 3 and 4 that would have detailing including brick piers and artstone capping. There would be grassed verge and planting between this and highway, which would not harm the street scene in this location.
25. The density of the scheme would be fairly low and would be consistent with the surrounding density and pattern typical of suburban and rural locations.
26. The site currently suffers a sense of abandonment, with little prospect of improvement, and generally detracts from the character of the area. The proposal would introduce an active use by way of the proposed dwellings and associated garden curtilage, which would be maintained in perpetuity. The proposed development would therefore result in an overall improvement in the appearance of the site and would subsequently enhance the character of the area.
27. The development is therefore considered to be in accordance with Policy BNE1 of the Chorley Local Plan 2012 - 2026 and has overcome the concerns regarding the impact on the street scene.

Impact on neighbour amenity

28. The application site is bounded by residential properties to the west along Larkfield with other nearby dwellings on Bannister Lane to the east.
29. Plot 1 would be located approximately 8.8m from the nearest property at 33 Larkfield. It would be positioned to the front of this dwelling in terms of the building line but would not have any adverse impact on outlook, privacy or light by virtue of the degree of separation, siting and relative positioning of windows to habitable rooms.
30. Plot 4 would be located approximately 15m from the nearest property at 94 Larkfield to the north-west. The proposed dwelling would be sited at an angle to this dwelling and would not have any adverse impact on outlook, privacy or light by virtue of the degree of separation and relative positioning.

31. Plot 3 would be located approximately 16m from the nearest property at 19 Bannister Lane to the east. The proposed dwelling would be sited at an angle to this dwelling and would not have any adverse impact on outlook, privacy or light by virtue of the degree of separation and relative positioning.
32. Other nearby dwellings are located at least 24m away for the proposed dwellings and the amenity currently enjoyed by the occupiers of these properties would not be unduly compromised.
33. The interrelationship between the proposed properties would be acceptable with no directly facing parallel windows, and acceptable distances between habitable room windows and rear garden areas. As a result there would be no adverse impact on outlook, privacy or light.

Impact on highways/access

34. The proposed development would result in 4 four bedroom dwellings. Off street car parking for three cars would be provided at plots 1, 2 and 4 by way of driveway parking and one garage space. Plot 3 would have two allocated parking spaces to the front of the dwelling at the head of the cul-de-sac and one garage space. These arrangements meet with the adopted parking standards set out in relation to Policy ST4 of the Chorley Local Plan 2012 – 2026. In addition to this the proposed dwellings would be located within close proximity to a range of amenities including shops, schools and services.
35. The development will be accessed via an extension of the existing highway along Larkfield, which will provide vehicular access to plots 1 to 3. The creation of an additional four dwellings to Larkfield would not generate a significant level of additional traffic movements and the principle of connecting to Larkfield is considered to be acceptable and would not cause harm to highway safety. This situation is confirmed by the LCC Highways officer.
36. Plot 4 would have direct vehicular access to Bannister Lane. Visibility at this point on Bannister Lane is good the LCC Highways officer confirms that the proposed access to Bannister Lane is acceptable.
37. It is therefore considered that there would be no harm to highway safety as a result of the proposed development.
38. A public right of way (Larkfield F8916) passes through the site. The footway would be re-routed to accommodate the proposed development, however, this would result in a slight change to the route and public access would be retained. The route diversion is not considered to be substantially less convenient for the public to use than the existing route.
39. It is possible the footway can be diverted, but this can only be by a legal process, either through Section 257 of the Town and Country Planning Act 1990 or Section 119 of the Highways Act 1980 after planning permission is obtained. These processes are separate from the planning application process.

Ecology and trees

40. The application site is not designated for its nature conservation value and is not close to any designated sites. It is considered to have only low potential to support any specially protected species, except for nesting birds, and it does not support any 'important' habitats. The Syd Brook corridor, a potentially important wildlife corridor, is nearby but this development will not fragment the corridor or directly affect the course of the Brook. The site cannot therefore be said to have substantive ecological interest.
41. There are some features on the site with local interest, most notably the broadleaved trees and particularly the trees along the corner of Bannister Lane. The majority of these trees are located outside the site boundary and there are no plans for their removal. The proposed plans show that the trees that fall within the site would be retained.

Compensatory tree planting is proposed for replacing any trees lost to the scheme and it is recommended that such replacement is conditioned as part of any planning approval.

Section 106 Agreement

42. The proposed development would generate a requirement for the provision of public open space in line with policies HS4a and HS4b of the Chorley Local Plan 2012 – 2026 and the Open Space and Playing Pitch SPD. This would result in a contribution towards the off-site provision of natural and semi-natural greenspace and playing pitches totalling £8,624.
43. The proposal involves the loss of a small part of land allocated as open space under Policy HW2 in the Local Plan. Policy HW2 protects all existing open space, sport and recreational facilities and requires alternative provision to be made under criterion a) of the policy unless the proposal satisfies all of criteria b) to e). The proposal does not accord with criterion a) of Policy HW2 because there is a deficit of such provision in Ecclestone. Therefore, in order to satisfy this policy, alternative provision is required under criterion a).
44. The grant of planning permission is subject to the applicant entering into a Section 106 agreement to make alternative provision or improvement to offset the loss of the public open space and off-site contribution towards the requirement for the provision of public open space in line with policies HS4a and HS4b of the Chorley Local Plan 2012 – 2026.

Sustainable Resources

45. Policy 27 of the Core Strategy currently requires dwellinghouses to be built to meet Code for Sustainable Homes Level 6. 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.”

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

CIL

47. The Chorley CIL Infrastructure Charging Schedule provides a specific amount for development. The CIL Charging Schedule was adopted on 16 July 2013 and charging commenced on 1 September 2013. The proposed development will be a chargeable development and the charge is subject to indexation in accordance with the Council’s Charging Schedule

Overall Conclusion

48. The proposed development would have the benefit of providing new housing in a sustainable location. The proposal would have no unacceptable detrimental impact on the

amenity of neighbouring occupiers and would result in an overall improvement in the appearance of the site and character of the area. In addition adequate parking is provided.

49. The existing public open space is low quality and on the basis that the loss is offset by alternative provision or improvement secured through an off-site contribution it is considered that this would have a greater benefit to the residents of Ecclestone than the retention of the current open space.

50. On the basis of the above, it is recommended that planning permission be granted.

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
10/00159/OUT	Proposed 6 No. houses and associated works	Approved	24 November 2010
09/00507/OUT	Erection of 5 No. 2.5 storey and 1 No. 2 Storey houses and associated works	Refused	24 August 2009

Suggested Conditions

No.	Condition
1.	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>
2.	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. <i>Reason: In the interests of highway safety and to prevent flooding</i>
3.	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: To ensure that the materials used are visually appropriate to the locality.</i>
4.	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. <i>Reason: To ensure a satisfactory form of development in the interest of the visual amenity of the area.</i>
5.	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. <i>Reason: To ensure a visually satisfactory form of development and to provide reasonable standards of privacy to residents.</i>
6.	The parking and / or garaging and associated manoeuvring facilities shown on the plans hereby approved shall be surfaced or paved, drained and marked out and made available in accordance with the approved plan prior to the occupation of any of the buildings; such parking facilities shall thereafter be permanently retained for that purpose (notwithstanding the Town and Country Planning (General Permitted Development) Order 2015). <i>Reason: To ensure provision of adequate off-street parking facilities within the site.</i>
7.	No works to trees or shrubs shall occur between the 1st March and 31st August in any year unless a detailed bird nest survey by a suitably experienced ecologist has been carried out immediately prior to clearance and written confirmation provided that no active bird nests are present which has been agreed in writing by the LPA. <i>Reason: To prevent harm to British birds nests and eggs, which are protected by Section 1 of the Wildlife & Countryside Act 1981.</i>
8.	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

	<p>the tree felling. Reason: To safeguard the visual amenity of the area.</p>
9.	<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. Reason: To safeguard the trees to be retained.</p>
10.	<p>The existing soil levels around the base of the trees to be retained shall not be altered. Reason: To safeguard the trees to be retained.</p>
11.	<p>The south east boundary of the site adjacent to Bannister Lane and the boundary of plots 1 and 2 adjacent to the public footpath shall be planted with a hedge comprising a mix of all or some of the following: Hawthorn, Blackthorn, Wild Cherry, Field Maple, Dog Rose, Hazel; within 12 months of the commencement of the development or such other period as shall be agreed in writing by the Local Planning Authority, and any plants which are found to be dead, damaged or dying during the first five years shall be duly replaced and the hedge thereafter retained. Reason: In the interests of the amenity and the appearance of the locality.</p>
12.	<p>Prior to the commencement of any development, plans and particulars showing a scheme of foul sewers and surface water drains, shall be submitted to, and approved in writing by, the Local Planning Authority. Such works shall be carried out in accordance with the approved details concurrently with the rest of the development and in any event shall be finished before the building is occupied. Reason: To ensure a satisfactory means of drainage.</p>
13.	<p>All new dwellings are required to achieve a minimum Dwelling Emission Rate of 19% above 2013 Building Regulations.</p> <p>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.</p>
14.	<p>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.</p> <p>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.</p>
15.	<p>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.</p>

	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.																					
16.	<p>The development shall be carried out in accordance with the following plans:</p> <table><tr><td>Plan Ref.</td><td>Received On:</td><td>Title:</td></tr><tr><td>15/100/L01</td><td>18 April 2016</td><td>Location Plan</td></tr><tr><td>15/100/P02</td><td>18 April 2016</td><td>House Type A</td></tr><tr><td>15/100/P03</td><td>18 April 2016</td><td>House Type B</td></tr><tr><td>15/100/P04</td><td>18 April 2016</td><td>Proposed Site Plan</td></tr><tr><td>LMP_GS_09</td><td>18 April 2016</td><td>Single Garage</td></tr><tr><td>LMP_GD_12</td><td>18 April 2016</td><td>Double Garage</td></tr></table> <p>Reason: For the avoidance of doubt and in the interests of proper planning.</p>	Plan Ref.	Received On:	Title:	15/100/L01	18 April 2016	Location Plan	15/100/P02	18 April 2016	House Type A	15/100/P03	18 April 2016	House Type B	15/100/P04	18 April 2016	Proposed Site Plan	LMP_GS_09	18 April 2016	Single Garage	LMP_GD_12	18 April 2016	Double Garage
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17.	<p>Facilities shall be provided for the cleaning of the wheels of vehicles leaving the site, before the development hereby permitted is first commenced and thereafter retained at all times during construction of the development.</p> <p>Reason: To prevent the tracking of mud and/or the deposit of loose material on to the highway, in the interests of highway safety.</p>																					
18.	<p>No part of the development hereby approved shall commence until a scheme for the construction of the site access has been submitted to and approved by the Local Planning Authority in consultation with the Highway Authority.</p> <p>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.</p>																					
19.	<p>No part of the development hereby permitted shall be occupied or used until a means of vehicular access has been constructed in accordance with the approved plans.</p> <p>Reason: In the interests of highway safety.</p>																					