

<b>Item 3j</b>	<b>16/00374/FULMAJ</b>
<b>Case Officer</b>	<b>Iain Crossland</b>
<b>Ward</b>	<b>Clayton-le-Woods and Whittle-le-Woods Ward</b>
<b>Proposal</b>	<b>Erection of 33 dwellings including associated garages and infrastructure</b>
<b>Location</b>	<b>Land 80M North Of Swansey Lane And Bounded By The Elms Swansey Lane Whittle-Le-Woods</b>
<b>Applicant</b>	<b>Fellows Homes Ltd</b>
<b>Consultation expiry:</b>	<b>12 July 2016</b>
<b>Decision due by:</b>	<b>26 July 2016</b>

**Recommendation**

It is recommended that this application is permitted subject to a Section 106 Agreement.

## Representations

**Clayton-le-Woods Parish Council:** Have commented that this application has below the normal percentage of affordable housing which would be allowed. It is hoped that this would be investigated and corrected if necessary.

No representations have been received.

## Consultees

<b>Consultee</b>	<b>Summary of Comments received</b>
Waste and contaminated land officer	Have reviewed the phase 1 desk study and is satisfied with this. No objections are raised, provided that the development proceeds in accordance with the recommendations made in section 9.0 – particularly the proposed remediation in lieu of further investigation as detailed in Table 17.
Tree officer	The proposed development will not require the removal of any of the trees on the site, although T7 Sycamore, growing through the fence with severe lower stem curvature is not suitable for retention. A substantial number of trees included in the Arboricultural Assessment are located on neighbouring land.
GMEU	Comment that the acceptability of the principle of development has been established on the site and that there are no known reasons in terms of the present biodiversity features on site or policy direction which would preclude the development from proceeding to determination A number of conditions and informatives are recommended to ensure that should the proposal receive permission it can be implemented to avoid infringement of the relevant wildlife legislation and to protect features of biodiversity value.
United Utilities	Have no objection
Chorley Council Strategic Housing	Under Chorley Council's Planning Policy on a site of 33 dwellings, 10 are required to be affordable. The mix required would be as follows: 7 x 2 bedroom 4 person houses for Social Rent 3 x 3 bedroom 6 person houses for Shared Ownership The properties should meet the Nationally Described Space Standards and all properties should be transferred to one Registered Provider taking into account the 'rent reduction' and lower offers the Registered Providers are able to make.
LCC Highways	No comments received to date.

## **Assessment**

### The Site

1. The application site is an open area of grassland located within the settlement area of Clayton le Woods. The site is allocated for housing under policy HS1.30 of the Chorley Local Plan 2012 – 2026, and benefits from an extant permission for 32 dwellings (application ref.14/00199/FULMAJ), which was granted on 19<sup>th</sup> December 2014.
2. The site itself slopes from east to west down towards a watercourse at Carr Brook which lies outside the site boundary. There is a ditch draining into Carr Brook running east to west through the site to the south. The prevailing character of the locality is residential. There are traditional terraced houses to the south of the site at Swansey Lane and a more recent housing estate of detached and semi-detached dwellings at The Elms to the north side. There are a variety of house types and design styles along Chorley Old Road to the east of the site. To the west is a linear woodland. There are a number of trees outside the site boundary although there are no Tree Preservation Orders in force.
3. The current layout of The Elms includes a turnaround area to the east side of the site, but outside of the site area. The existing estate layout at The Elms appears to provide an access point to the site.

### The Proposal

4. The proposed development is for the erection of 33no. detached dwellinghouses with associated garden curtilage and detached garages. It is proposed that 3 no. of these dwellings would be affordable units.
5. The proposed dwellings would have a traditional design with dual pitched roofs and gable features. There would be a range of house types across the site, enclosed gardens to the rear of the properties and open plan frontages with driveway parking to the sides and front. There would also be garage provision at some of the plots.
6. There would be areas of open space to the south and eastern sides of the site, and a footpath link between the estate and linear woodland to the west.
7. Vehicular access to the proposed estate would be from The Elms. There would be footways throughout the estate roads, with shared pedestrian/vehicular surfaces serving plots 14 to 16 and plots 17 to 24.

## **Assessment**

The main issues are as follows:-

Issue 1 – 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 5 – Drainage and flood risk

Issue 6 – Public open space

Issue 7 – Affordable housing

Issue 8 – Sustainability

Issue 9 – CIL

Issue 10 – Other matters

### Principle of the Development

8. 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.
9. Policy 1(d) of the Central Lancashire Core Strategy encourages some growth and investment to meet housing needs in Urban Local Service Centres such as Clayton-le-Woods and Whittle-le-Woods.

10. The application site is located in the core settlement area of Clayton-le-Woods, on an allocated housing site covered by Policy HS1.30 of the Chorley Local Plan 2012 - 2026. The development of housing on this site is therefore considered acceptable in principle.

#### Design and impact on the character of the area

11. The proposed layout involves the properties at plots 32 and 33 fronting onto The Elms. This would help to reinforce the pattern and character of the existing estate, contributing to the active street frontage, which integrates the scheme into the existing surrounding development. The existing layby at the east side of The Elms close to its junction with Chorley Old Road would remain, with an area of open space between this and the proposed development. A native hedge would be planted to the eastern boundary of the site in this location, which would maintain a soft edge to the development. This arrangement would help to maintain the existing vistas across Whittle-le-Woods as the site slopes away from The Elms.
12. Within the site the layout has three small cul-de-sacs, which most of the properties are located within, radiating off a central access road. To the south of the site, the area to the south of the brook is to be left as public open space with properties facing onto the brook.
13. The access from The Elms would use an existing access point into the land that was created when the existing properties on The Elms were built, that is currently unused and terminates at the boundary of the site.
14. The design of the properties would be in the form of six different house types, a mixture of mews, semi-detached and detached, all of which are two-storey. The dwellings would have a traditional appearance and would be faced in red/orange facing brickwork with grey roof tiles to reflect the existing local vernacular and character. Features such as art stone heads and sills and projecting brick dentil courses would be applied to the elevational treatments to introduce stone and detail elements also seen throughout the locality.
15. The arrangement of the dwellings on entering and leaving the proposed development is such that the frontages of dwellings would occupy prominent positions. There is a wide range of properties in the immediate area which are predominantly two-storey and the design and layout is considered acceptable in accordance with Policy 17 of the Core Strategy.
16. The properties would all have garden areas providing sufficient storage for bins. It is noted that covered ginnels have been designed into the mews arrangements, thereby avoiding the need for circuitous rear access ginnels, whilst providing access to storage areas for bins. This makes more effective use of space that can be better managed within private curtilages, removes potential hiding places and reduces the distance to rear area for residents.
17. In terms of the site density the application site area is slightly smaller than the HS1.30 allocation (1.18ha as opposed to 1.3ha) as the application excludes the small crescent shaped area of land and associated highway in the north east corner of the site. The proposal equates to a density of 28 dwellings per hectare. The September 2012 Density Assumptions Technical Paper, which formed part of the Local Plan evidence base, indicated a density of 27.5 dwellings per hectare in the Swansey Lane area density sample. The dwellings to the south on Swansey Lane that back onto the site are terraced properties and so are at a higher density, however the developments beyond that to the south and to the north of the site are more modern developments and the proposal is considered in keeping with them. The proposal is therefore considered in keeping with the surrounding development and in accordance with Policy 5 of the Core Strategy.

#### Impact on neighbour amenity

18. The application site is surrounded by existing residential development on all sides, apart from to the west. Amended plans have been received as part of the application process.
19. The front elevations of 1 and 3 The Elms are situated at a higher level relative to the site and would be located over 30m from the nearest proposed dwellings, which exceeds the Council's interface distances.

20. Plots 1-7 would back onto 46-51 The Elms. The distances between facing rear windows between plot 6 and 46 The Elms and plot 5 and 47 The Elms are slightly short at 20m rather than 21m, however, numbers 46 and 47 are sited at a slight angle and the windows would not therefore directly face one another. The distance between plot 2 and 49 The Elms is slightly short at 19m rather than 21m, however, the properties are off set and therefore the windows would not directly face one another. This is also the case between plot 1 and 50 The Elms, whereby windows would not directly face one another.
21. Plots 31-33 would have windows facing north towards 34-37 The Elms. These are two-storey semi-detached properties. Plot 31 would have a side elevation (that has first floor bedroom windows in) facing north and plots 32 and 33 would have front elevations facing north, also with first floor bedroom windows in. The properties comply with the interface distances apart from plot 33 where there is 17m between the first floor windows in number 34 and the single first floor window in this property. This is, however, considered an acceptable relationship as number 34 is approximately 0.5m higher than the proposed property and also because this is not an unusual relationship between windows in properties facing one another on opposite sides of a street, where the relationship is less private than rear windows and has an intervening road.
22. To the south of the site the terraced properties on Swansey Lane back onto the site. They have a rear yard area and then an alleyway separates the property from its rear garden. The proposed properties on the south part of the site are set back from the boundary on the north side of the brook. There is over 30m between the first floor windows of the proposed properties and the boundaries with the rear gardens of the properties on Swansey Lane, which far exceeds the Council's interface distance.
23. Number 221 Chorley Old Road is a dormer bungalow that backs onto the east of the site. There would be a row of three mews and two semi-detached properties on plots 17-21 that back onto this property. There would be approximately 9.5m at the closest point between the rear windows of these properties and the boundary with no. 221, however, the proposed properties would be approximately 3m lower on the site than no. 221 and this is therefore considered an acceptable relationship.
24. Number 67 Swansey Lane is a semi-detached property to the south of plot 17. There would be approximately 11m between the first floor windows of no. 67 and the gable end of plot 17, however the gable end of plot 17 would only overlap the bottom of no. 67 by a small amount and the proposed property is due north so it would not result in any overshadowing to this property. This relationship is therefore considered acceptable.
25. In terms of the interface distances between the proposed properties, these are considered to be acceptable taking into account the level changes across the site.
26. The proposal is considered acceptable in terms of the relationship with the existing surrounding properties and between the proposed properties.

#### Impact on highways/access

27. The application site would have its main access from The Elms. The access point is currently in place off the existing road but terminates at the entrance to the application site. No comments have been received from Lancashire County Council Highways, although it is noted that no objection was raised to the previous extant planning permission with the same access.
28. The plans demonstrate that an appropriate level of off street parking provision would be made in line with policy ST4 of the Chorley Local Plan 2012 – 2026. The application is considered acceptable in relation to parking, subject to a condition requiring the integral garages being maintained for parking.
29. The County Council Highways Engineer previously raised the issue of the external connectivity of the site i.e. its non-vehicular links with its surroundings. They suggested a link be provided between no. 65 and 67 Swansey Lane. Subsequently a footpath was added to the scheme linking the site with the footpath/green corridor to the west of the site that runs north to south and allows a shorter route from the development to Preston Road via Swansey Lane. This link would also be

provided as part of the proposed development. The applicant can only provide the link within the site up to its boundary i.e. the land within their control, but a commuted sum is proposed to be secured by a Section 106 agreement to allow the Council to provide the link from the application site boundary to the existing footpath, as this land is owned by Chorley Council. It is considered with this link the application is acceptable in terms of external connectivity. It is not considered necessary to also improve the existing footpath between 56 Swansey Lane and 217 Chorley Old Road as part of the development as the proposed link to the footpath to the west of the site would provide the quickest route to Preston Road.

30. A commuted sum is also proposed to be secured through a Section 106 agreement for the bus stop and kerb works.
31. The proposal is therefore considered acceptable in terms of traffic and transport.

#### Ecology and trees

32. An ecological appraisal accompanies the application, which has been reviewed by the GMEU Ecologist. They advise that there are no known reasons in terms of the present biodiversity features on site or policy direction, which would preclude the development from proceeding to determination. A number of conditions and informatives are recommended to ensure that should the proposal receive permission it can be implemented to avoid infringement of the relevant wildlife legislation and to protect features of biodiversity value. The proposal is therefore considered acceptable in relation to ecology subject to conditions.
33. The applicant's tree survey confirms that no trees need to be removed to facilitate the proposed development and it is not proposed that any significant trees are removed.

#### Drainage and Flood Risk

34. The site is not in Flood Zone 2 or 3 but is over 1 hectare in size so requires a Flood Risk Assessment. This has been submitted with the application. The Environment Agency have stated that they have no comment to make on the current application and no response has been received from the Lead Local Flood Authority (LLFA).
35. The site was previously reviewed by the Environment Agency, who stated in relation to on and off-site flooding they are satisfied the development would not be at an unacceptable risk of flooding or exacerbate flood risk elsewhere providing the recommendations in the Flood Risk Assessment are undertaken. This includes limiting the surface water run-off generated by the 1 in 100 year plus climate change critical storm so it would not exceed the run-off from the undeveloped site and finished floor levels of the dwellings are set no lower than 0.15 metres above ground levels. These recommendations were carried through to the FRA report supporting this application.
36. The Environment Agency also recommend a condition requiring a surface water drainage scheme to be submitted and approved in writing as they reviewed the Preliminary Drainage Layout which states that the storm water storage estimates are for a 30 year return period storm event and they would expect this to be greater.
37. A surface water drainage scheme has been submitted as part of the application and has been accepted by United Utilities on the basis that the discharge rate is limited to 8.4litres/sec on the proposed development. A condition is recommended to control this.
38. Subject to the above conditions the proposal is considered acceptable in this respect.

#### Public Open Space (POS)

39. 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.
40. The grant of planning permission is subject to the applicant entering into a Section 106 agreement to make a 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.

### Affordable Housing

41. Policy 7 of the Core Strategy requires 30% affordable housing to be provided on sites in urban areas such as this. Three of the dwellings proposed are to be affordable, which equates to 11%. Although this is below the policy requirement, the applicant has submitted a viability statement demonstrating that the build costs, in addition to the CIL requirement, the commuted sum contribution towards POS and building to a minimum Dwelling Emission Rate of 19% above 2013 Building Regulations, in combination with the anticipated selling prices of the private properties, the provision of more than three affordable dwellings would render the development unviable. The viability statement demonstrates that even when providing three affordable units, the developer's profit would be lower than market levels. The viability statement submitted by the applicant has been assessed and verified by the Council's surveyor, as a fair assessment of the scheme's viability and demonstrates that the scheme would be unviable to the developer if any more than three affordable units were to be provided, and he is unlikely to obtain the funding at the appropriate interest.
42. It is noted from the Council's viability assessment that it may be possible to provide one additional affordable unit if no commuted sums were required. However, it is considered that the proposed development strikes a reasonable balance in terms of the planning gain that would be achieved with the development as proposed, the dwellings would be built to a minimum Dwelling Emission Rate of 19% above 2013 Building Regulations, a full commuted sum contribution would be made towards the offsite provision/improvement of POS, whilst some affordable housing for social rent would be provided. Any affordable housing would need to be secured through a Section 106 legal agreement.

### Sustainability

43. Policy 27 of the Core Strategy requires all new dwellings to be constructed to Level 4 of the Code for Sustainable Homes or Level 6 if they are commenced from 1<sup>st</sup> January 2016. It also requires sites of five or more dwellings to have either additional building fabric insulation measures or reduce the carbon dioxide emissions of predicted energy use by at least 15% through decentralised, renewable or low carbon energy sources. 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.”*

44. Given this change, instead of meeting the code level the dwellings should achieve a minimum Dwelling Emission Rate of 19% above 2013 Building Regulations in accordance with the above provisions. This can be controlled by a condition.

### Community Infrastructure Levy

45. 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**

46. The application is recommended for approval subject to conditions and a Section 106 agreement.

### **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**

<b>Reference</b>	<b>Description</b>	<b>Decision</b>	<b>Date</b>
14/00199/FULMAJ	Proposed residential development consisting of 32no. dwellings (including 10 no. affordable dwellings).	Approved	19 December 2014
85/00741/FUL	Proposed residential development on 0.67 acres of land	Withdrawn	23 December 1985
80/01099	One form entry junior and infant school	Approved	18 November 1981

### **Suggested Conditions**

To follow