

APPLICATION REPORT – 16/00509/FULMAJ

Validation Date: 10 June 2016

Ward: Pennine

Type of Application: Major Full Planning

Proposal: Proposed residential development for the erection of 45 no. dwellings and associated landscaping and infrastructure

Location: Leatherlands Farm Moss Lane Whittle-Le-Woods Chorley PR6 7DD

Case Officer: Mr Iain Crossland

Applicant: Wainhomes (North West) Limited

Agent: NJL Consulting

Consultation expiry: 22 August 2016

Decision due by: 28 October 2016

RECOMMENDATION

1. It is recommended that the application is approved subject to conditions and a Section 106 agreement securing affordable housing and a public open space financial contribution.

SITE DESCRIPTION

2. The site has a total area of approximately 1.89 ha and is located approximately 350 metres east of the junction of Moss Lane (B6229) and Preston Road (A6), to the north of the Moss Lane cul-de-sac, which was created when the M61 motorway was built and the main Moss Lane was slightly diverted and extended over it.
3. The site is bound by the M61 motorway to the east, a play area and public open space to the north and an area of open agricultural land to the west on which outline planning permission for up to 32 dwellings (ref.14/00900/OUTMAJ) has been granted and on which the Council is also considering a full application for 34 dwellings (ref.16/00247/FULMAJ).
4. The site itself is occupied by a farm house and farm buildings to the south east corner with agricultural pasture land taking up the majority of the site. The topography of the site is relatively flat. The character of the area has evolved to become rather suburban and is predominantly residential with modern housing estates having been developed off Moss Lane and Preston Road to the west of the site.

DESCRIPTION OF PROPOSED DEVELOPMENT

5. Proposed residential development for the erection of 45 no. dwellings with associated landscaping and infrastructure.

REPRESENTATIONS

6. Two letters of objection have been received raising the following issues:

- The application presents an opportunity to create a safer access onto Moss Lane and address fast vehicle speeds along this road.
 - Inadequate highway infrastructure to support this number of dwellings including the development of the adjacent site.
 - The site is greenfield used for recreation and leisure
 - Impact on wildlife
 - No need for further housing
 - The public footpath should not be blocked
7. A representation has been received from the Whittle le Woods Parish Council tree warden requesting that mature oaks and horse chestnuts bordering the site should be retained.

CONSULTATIONS

8. **Environment Agency** – Have no comments to make
9. **Strategic Housing** - For a development of this size in Whittle-le-Woods a 30% affordable housing contribution is required, which equates to 13.5 properties and is therefore rounded up to 14 according to the policy. 10 properties should be Social Rented, and 4 Shared Ownership reflecting the 70/30 policy split. To meet local need and demand in the Whittle-le-Woods settlement the 10 Social Rented should be 8 x 2 bedroom 4 person houses and 2 x 2 bedroom 3 person bungalows. The shared Ownership properties should be 4 x 3 bedroom 6 person houses. All affordable dwellings should meet the Nationally Described Space Standards. The Rent Reduction for RPs 2016-20 and LHA Cap from 2018 should be taken into account when factoring in expected offer values for Social Rented properties.
10. **Greater Manchester Ecology Unit** - The recommendations of the ecology report should be secured by condition should permission be granted.
11. **Regulatory Services - Environmental Health** – See body of report
12. **Lead Local Flood Authority** - Have no objection to the proposed development subject to conditions and advice notes.
13. **Whittle le Woods Parish Council** – No comments have been received
14. **United Utilities** - Have no objection to the proposed development subject to conditions and advice notes.
15. **Waste & Contaminated Land** - Have no objection to the proposed development subject to conditions and advice notes.
16. **Lancashire Highway Services** - Have no objection to the proposed development subject to conditions and advice notes.
17. **Lancashire Constabulary Architectural Liaison** - In order to reduce the opportunity for criminal activity at the proposed development and to provide a safe and sustainable environment a number of recommendations are suggested, which should be attached to an advice note.

PLANNING CONSIDERATIONS

Principle of the development

18. 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.

19. 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 Whittle-le-Woods.
20. The application site is located in the core settlement area of Whittle-le-Woods, and is part of an allocated housing site covered by Policy HS1.43C 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

21. The proposed development would be located off the western spur of Moss Lane, which is a no through route following its severance by the M61 motorway. The site is bound by the M61 to the east and due to these factors does not occupy a prominent location. The proposed development is made up of one main access road with two small cul-de-sacs running perpendicular to it.
22. The majority of the proposed dwellings are detached although there are mews properties and a two storey apartment block to the north east of the site. The estate roads and layout follow a logical pattern and the change in character to the north east of the site would only be modest as mews properties and apartment block would fit in with the estate layout pattern, would utilise materials and design features common to the rest of the estate, and would be of a height consistent with the other dwellings. The overall density of the development would be low, at approximately 24 dwellings per hectare, which reflects the suburban character of the area and nearby housing estates.
23. The proposed layout would involve five properties adjacent to Moss Lane that would be positioned facing onto the highway. This would contribute to an active street frontage and would help integrate the scheme into the existing surrounding area. The arrangement of the dwellings on entering and leaving the proposed development is such that the frontages of dwellings would occupy prominent positions and would follow a consistent pattern through the estate and is considered acceptable in accordance with Policy 17 of the Core Strategy.
24. The design of the dwellings proposed would be in the form of nine different house types, all of which are two-storey, which would help to add character and diversity to the scheme. 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, projecting brick dentil courses, pediments and gables would be applied to provide diversity and interest. It is noted that there are a range of property types in the area although they are predominantly two-storey and of traditional design style set in modern housing estates.
25. The properties would all have garden areas providing sufficient storage for bins and driveway parking. Some of the properties would also have detached garages situated in inconspicuous positions. The frontages would be open plan contributing to an open and uncluttered street scene, and boundary treatments have been selected so that prominent side gardens would have screen walls rather than fences enclosing them.
26. The proposal includes an element of amenity greenspace most notably in the form of a grassed banking to the eastern boundary of the site, which would also serve to attenuate noise from the nearby motorway. There would be a combination of tree and shrub planting to the front and sides of the proposed dwellings, which would help to soften the appearance of the estate and add character. Trees, shrubs and hedges would be retained to the periphery of the site where possible and in accordance with the proposed landscaping plan, which would help frame the development within the landscape to some extent. There would be a native hedgerow planted along the western boundary of the site. This would face the open agricultural land to the west and would help to form a softer defensible boundary.
27. It is noted that the western boundary of the site would ultimately face some form of development on this land. The outline planning permission (ref.14/00900/OUTMAJ) that has been granted and recent full application for 34 dwellings (ref.16/00247/FULMAJ) would

result in a layout with 7 detached dwellings facing the western boundary of the application site. The dwellings to the west would be separated from the proposed development by shared driveways and a grassed verge. The proposed hedgerow along the western boundary of the application site would provide a soft boundary onto the approved development with the proposed dwellings beyond resulting in an unobtrusive outlook that would not compromise the character of the previously approved development should it be delivered in its current form.

28. Overall the layout and design of the proposed development is considered acceptable and appropriate to the existing surrounding development.

Impact on neighbour amenity

29. The application site is relatively isolated from existing residential dwellings, the nearest being at Orchard Drive to the north west of the site. Plot 11 would be located approximately 9m from the nearest dwelling to the site at 19 Orchard Drive, and at a lower level. The relative positioning of the two properties would be such that there would be no parallel facing windows and no unacceptable views over the most private intimate amenity areas of the rear gardens. The proposed dwelling at plot 11 would not be directly visible from 19 Orchard Drive and although it would be located to the south of this dwelling there would be limited impact on light due to the positioning and degree of separation.
30. Other dwellings at Orchard Drive would be located more than 30m from the nearest proposed dwelling, No. 18 Orchard Drive is screened by the neighbouring property at no. 19.
31. In terms of the interface distances between the proposed properties, these are considered to be acceptable in relation to the Council's guidelines taking into account the level changes across the site.
32. The dwellings set out within the proposed development would not compromise the development of the site to the west. The interface distances between the proposed development and development to the west, were it to be delivered, would also comply with the Council's guidelines.
33. The proposal is considered acceptable in terms of the relationship with the existing surrounding properties and between the proposed properties themselves.

Noise from the motorway and air quality

34. The closest part of the application site is approximately 15m from the M61 Motorway. A noise assessment has been submitted with the application which has been reviewed by the Council's Environmental Health Officer. They state that with regard to the noise, it is clear that the site would be impacted by the traffic using the M61 throughout the day and night time. The noise levels measured demonstrate that the figures recommended by World Health Organisation and associated planning guidance and British Standards would not be achieved across the whole site.
35. The report indicates that the required internal noise levels can be achieved at all properties through the installation of standard thermal glazing and passive frame vents, with the exception of Plots 19-24 and Plot 45, which would also require Acoustic Wall vents (or similar). It also states that trickle ventilation when combined with a mechanical extract ventilation or passive input ventilation system would not allow significant noise from outside whilst extracting/supplying air from/to habitable rooms.
36. World Health Organisation guide lines indicate that 55dB(A) in amenity areas of the proposed dwellings (whether this be front or back garden) should be sought. Mitigation measures of a 5m earth bund and the installation of a 2m high acoustic fence in multiple areas is recommended in the report. However, even after the proposed mitigation measures the report states that the noise levels in the rear gardens at 26 properties would exceed this level, with a further 7 properties calculated to being exposed to noise levels at the 55db Level.

37. The Planning Practice Guidance (PPG) on noise states that local planning authorities in decision taking should identify whether the overall effect of noise exposure would be above the 'significant adverse effect level' or not. This is reiterated by the Noise Policy Statement for England. Noise above this 'significant adverse effect level' should be avoided, noise below this may need to be mitigated and reduced to a minimum.
38. In relation to noise there are no European or national noise limits which have to be met. The National Planning Policy Framework states that planning decisions should aim to:
- avoid noise from giving rise to significant adverse impacts on health and quality of life as a result of new development;
 - mitigate and reduce to a minimum other adverse impacts on health and quality of life arising from noise from new development, including through the use of conditions;
39. No guidance is given on what a significant impact is. There is a British Standard (BS8233:2014 Guidance on Sound Insulation and Noise Reduction for Buildings) that states: It is desirable that external noise level does not exceed 50 decibels with an upper guidelines of 55 decibels in noisier environment. It goes on to say that:
40. *It is also recognised that these guidelines values are not achievable in all circumstances where development might be desirable. In higher noise area, such as city centres or urban areas adjoining the strategic transport network, a compromise between elevated noise levels and other factors might be warranted. In such situations, development should be designed to achieve the lowest practicable levels in these external amenity spaces, but should not be prohibited.*
41. In this case the site is adjacent to the strategic transport network in the form of the M61 and is therefore in a higher noise area. Therefore, it is considered that the test for noise in this case is that the development should be designed to achieve the lowest practicable noise levels.
42. Environmental Health officers have concerns that the noise profile of the site is such that the potential noise experienced by residents from the traffic on the nearby motorway would be in excess of World Health Organisation recommendations, but the developer has provided an acoustic report with mitigation measures which if properly implemented would go some way to protect residents, therefore, these must be executed in accordance with the report recommendations..
43. The site is adjacent to the strategic transport network, i.e. the motorway and development is desirable as the site is allocated for housing in the Local Plan. It is considered that with the mitigation measures proposed the development has been designed to achieve the lowest practicable levels in external amenity spaces and these can be controlled by a condition.
44. With regard to internal noise, standard thermal glazing for habitable rooms is not sufficient to achieve the criterion noise levels. The report recommends specific glazing standards and trickle ventilation in associated with mechanical or passive ventilation systems, as the opening of windows will mean that internal noise levels exceed recommended levels. These can also be secured via a condition. The Planning Practice Guidance on noise states that significant adverse effects should only be avoided when there is no alternative ventilation so windows have to be kept closed. Alternative ventilation is proposed in this case so the proposal is considered in line with the PPG.

Impact on highways/access

45. The application submission includes a Transport Statement (TS) setting out the transport issues relating to the proposed development site and details of the development proposal. The TS contains enough information to enable highway assessment of the proposal to be made. However, in analysing the traffic impact of the proposed development on the highway network, the TS only took into account trips associated with the proposed development without considering those of the committed development of 38 residential dwellings adjacent the site, which has trip generation on a scale similar to the current proposal.

46. However, LCC Highways do not consider that the combined trips from both developments would adversely impact the highway network in terms of trip generation and the capacity of junctions in the area to cope with the developments during peak hours, particularly the B6229 Moss Lane/U5801 Moss Lane.
47. The site is accessible on foot due to the existence of a footway along the B6229 Moss Lane. As part of the proposed adjacent development, footways would be provided along the site frontages on both sides of the U5801 Moss Lane to connect the existing footways at its junction with the B6229 Moss Lane. The applicant's proposal to provide footways at the site access to connect that of the proposed adjacent site is therefore welcomed.
48. LCC Highways have stated that ideally the footpath section to the east of the site access should be extended up to the easterly boundary of the site. This is not considered necessary, however, as the highway is a no through route to the east of the proposed site access and traffic movements would be minimal in this location. As such any impact on highway safety would be limited.
49. Accessibility on foot and on bike in the westerly direction of the site is good, however, accessibility towards the east is hindered due to a lack of connectivity of the two arms of the U5801 Moss Lane. As a result, walking and cycling distance from the site towards the east would be prolonged as pedestrians would be required to travel to the junction and then to the east via B6229 Moss Lane. LCC Highways have suggested that both arms of the U5801 Moss Lane should be connected with a 3.0m wide pedestrian/cycle link with measures incorporated to prevent vehicular access to facilitate access for pedestrians and cyclists and reduce travel distance and time for residents heading east. It is not considered that this imperfect access arrangement to the east of the site is of severe detriment to any future occupiers of the site or to the sustainability credentials of the scheme, therefore, it is not considered reasonable to seek access improvements to the east of the site through the proposed development.
50. As part of the proposed adjacent residential development, the existing PROW (FP47) is to be improved and widened into a pedestrian/cycle link. It is noted that the proposed development does not include provision for connectivity for pedestrians/cyclists to this link to facilitate access to the north of the site. Linking to this footpath would not be feasible, however, as any link would cross land in third party ownership and would require public access along a private shared drive, which is not desirable for future residents and is advised against by the Police Architectural Liaison Officer for security reasons.
51. The nearest bus stops to the site are those on the A6 Preston Road, which are within the recommended 800m walking distance from residential developments in this area and the route is considered direct, convenient and safe enough to encourage residents to use public transport.
52. The proposed layout of the development is considered to be satisfactory by LCC Highways, and has incorporated sufficient speed control measures and areas for turning; with attention given to servicing, delivery, waste collection and parking. For the development to be accepted for adoption under the Section 38 agreement of the Highways Act 1980 however, the layout must be designed and constructed to the Lancashire County Council Specification for Construction of Estate Roads.
53. During the highway assessment of the adjacent proposed development, the need for a reduction in the prevailing speed limit (national speed limit - 60mph) of the western arm of the U5801 Moss Lane was identified. It was also identified as a result of the proposed development, that there is need for the 30mph speed limit section of the B6229 Moss Lane to be extended beyond the junction of B6229 Moss Lane and U5801 Moss Lane to a point further east to ensure safety by providing early warning for drivers to reduce speeds when approaching the junction from east. These measures are essential to ensure safe access and egress of both developments and as such would be expected to be undertaken prior to first occupation of the either developments. It is recommended that appropriate conditions are attached to any grant of planning permission to secure this.

54. 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.
55. There are no highway objections to the proposed development and the proposal is, therefore, considered acceptable in relation to parking and highway safety.

Ecology and trees

56. 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 without infringing the relevant wildlife legislation, whilst protecting features of biodiversity value. The proposal is, therefore, considered acceptable in relation to ecology subject to conditions.
57. It is noted that the proposed development would result in the loss of a well-established hedgerow on site. An updated landscape plan demonstrates that the loss of the hedgerow would be compensated for by a native species-rich hedgerow of greater length to the western boundary of the site.
58. The applicant's tree survey confirms that trees within the site would need to be removed to facilitate the proposed development. The majority of trees are located to the periphery of the site, however, and these would be retained in the main.

Drainage and Flood Risk

59. The site is not within Flood Zone 2 or 3 as identified by the Environment Agency, but it is over 1 hectare in size (1.89ha) and the necessary Flood Risk Assessment has been submitted. This has been reviewed by the Lead Local Flood Authority. They have not objected to the proposed development subject to the inclusion of the conditions requiring details of management and maintenance of the scheme to be submitted and restricting permitted development rights to change areas of permeable surfacing to non-permeable materials.

Affordable Housing

60. Policy 7 of the Core Strategy requires 30% affordable housing to be provided on sites of 15 or more dwellings, or 0.5 hectares in size (which this is), in urban areas such as this. 13 of the dwellings proposed are to be affordable, which equates to 29%. This is very slightly below the policy requirement, and therefore the applicant has offered to provide an off-site commuted sum equivalent to 0.5 of a dwelling unit. This would result in the 30% policy requirement being achieved and it is considered that this represents a sensible and fair solution given that the on-site shortfall is 0.5 dwelling units. Any such on site affordable housing or off site contributions would need to be secured through a Section 106 legal agreement.
61. The units to be provided on site would consist of 7 two bedroom houses and 6 two bedroom flats. The Council's Strategic Housing Officer has stated a preference for two bedroom houses, two bedroom bungalows and three bedroom houses on this site. Although the proposed development would not meet this preference in its entirety it is noted that ground floor flats offer similar accessibility benefits as bungalows. In addition the developer has provided evidence that the proposed two storey 'Oakmere' apartment block has been successfully tendered to Registered Social Landlords, including Adactus, in other parts of the region.

Sustainability

62. 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 1st 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.”

63. 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.

Public Open Space (POS)

64. 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.

65. 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. The breakdown of the financial contributions required is as follows:

Amenity greenspace	= £6,300
Equipped play area	= £6,030
Parks/Gardens	= £0
Natural/semi-natural	= £0
Allotments	= £675
Playing Pitches	= £71,955
Total	= £84,960

Community Infrastructure Levy

66. 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.

CONCLUSION

67. The application is recommended for approval subject to conditions and a Section 106 agreement securing affordable housing and a public open space financial contribution

RELEVANT 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.

Suggested Conditions

To follow