

APPLICATION REPORT – 16/00714/OUT

Validation Date: 9 August 2016

Ward: Wheelton And Withnell

Type of Application: Outline Planning

Proposal: Outline application for the erection of four dwellings and associated infrastructure (with all matters reserved)

Location: Land To The Rear Of 56 School Lane Withnell Fold Old Road Brinscall

Case Officer: Mr Iain Crossland

Applicant: Mr Sharples

Agent: Chris Betteridge

Consultation expiry: 17 November 2016

Decision due by: 9 December 2016

RECOMMENDATION

1. It is recommended that this application is approved subject to conditions.

SITE DESCRIPTION

2. The application site comprises an area of land to the north of the Oak Tree Inn, School Lane, Brinscall and is within the settlement area of the village. The site is bound by Withnell Fold Old Road to the east, established residential properties fronting Queensway to the west and residential properties, Oak Tree public house and Post Office to the south. The site is roughly triangular in shape and extends to approximately 0.14 hectares. The topography of the site rises from Withnell Fold Old Road to the east up to the rear of the houses fronting Queensway with a change in levels of up to seven metres between the front and rear of the site. The site is covered by ruderal vegetation including self-seeded trees and grasses, and is free of built structures.
3. Current access to the site is via a vehicular entrance onto School Lane alongside the Oak Tree Inn, through the pub car park. There is also an existing pedestrian access to the site from Withnell Fold Old Road via a set of steps. The site is in an area of mixed character with residential and commercial uses around the site with open spaces nearby.

DESCRIPTION OF PROPOSED DEVELOPMENT

4. Outline planning permission is sought for the erection of four dwellinghouses, with associated residential curtilage and vehicular access to Withnell Fold Old Road. All matters are reserved. This has been reduced from the original submission, which was for five dwellings.

REPRESENTATIONS

5. Three letters have been received citing the following grounds of objection:
 - Impact on privacy, light and outlook in relation to neighbouring properties
 - The site would be better suited to 4 rather than 5 dwellings
 - Impact on the retaining wall to the south
 - Impact on plants and wildlife
 - Impact on highway safety at junction with School Lane as a result of increased traffic.
 - Reduced parking opportunities on Withnell Fold Old Road due to creation of access
 - Risk of landslip / movement through excavating / groundworks associated with the development of the site.

CONSULTATIONS

6. **Greater Manchester Ecology Unit:** Comment that an ecological assessment has been provided for the site and the only ecological constraints identified were nesting birds and reptiles. These issues can be resolved via appropriate informatives and conditions.
7. **Waste & Contaminated Land:** Have no objection subject to an appropriate condition being attached.
8. **Lancashire Highway Services:** Comment that the proposed development is acceptable in principle; however, the layout should be designed to incorporate sufficient speed control measures and turning areas with adequate attention given to servicing, delivery, waste collection and parking.
9. **United Utilities:** Have no objection subject to appropriate conditions being attached.
10. **Withnell Parish Council:** Are concerned at the impact of the development on the local road infrastructure and request that Members of the Committee pay a site visit to view the dangerous exit from Withnell Fold Old Road onto School Lane before making any decision.
11. The Parish Council are also concerned that a public right of way from Withnell Fold Old Road to School Lane, across the public house car park, would be lost by the proposed development. The ginnel is shown on one part of the supporting document but lost on the development proposal.

PLANNING CONSIDERATIONS

Principle of development

12. 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.
13. Brinscall is identified as one of the Rural Local Service Centres and policy 1(e) of the Central Lancashire Core Strategy states that limited growth and investment will be encouraged in Rural Local Service Centres to help meet local housing and employment needs. The proposed development is considered to be small scale and targeted at meeting local housing needs in line with this policy.
14. The application site is not designated within the local plan and does not appear to have a specific use. 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 within easy access of amenities such as shops, schools, churches and community facilities. The Framework also states that development in sustainable locations should be approved without delay.
15. 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.

Impact on character and appearance of the locality

16. The proposed development is for four dwellings to be located on land to the rear of 56 School Lane, Brinscall. The indicative layout plan suggests that the dwellings would be arranged and positioned so as to face Withnell Fold Old Road, with a vehicular access to the north of the site giving access to the rear of the properties. The land on which the proposed dwellings would be developed is at a higher level to the highway and the dwellings themselves would be prominent in the street scene in this location. As such, an arrangement in which the proposed dwellings face onto Withnell Fold Old Road would have a positive impact in terms of creating an active street frontage and contributing to the character of the area.
17. The dwellings at 46 and 48 School Lane are of traditional appearance and faced in stone and painted render. There is a stone wall to the boundary of the site with Withnell Fold Old Road and many of the properties along School Lane are traditional dwellings and cottages faced in natural stone. The dwellings to the north west of the site are of a more modern design and are faced in brown brick.
18. In terms of the eventual design and appearance of the dwellings to be proposed, the surrounding dwellings provide some cues as to an appropriate scale, and it is anticipated that the dwellings would be two storeys in height with dual pitched roofs. It would be appropriate for any proposed dwellings to be of traditional appearance making use of stone in the external facing materials or facing details.
19. The indicative positioning of the proposed dwellings would add to the street scene and character of the area. The indicative site plan suggests that adequate residential curtilage would be provided with adequate space for parking and general amenity. No landscaping or boundary scheme is included at this stage, however, this would form an important component as regards the details of the eventual development.
20. It is anticipated that four appropriately designed dwellings could be accommodated on this site, without detriment to the appearance of the site and character of the street scene and wider area.
21. In order to retain the existing character of the area and ensure that the proposed development blends into the street scape, it is recommended that the stone retaining wall to the east of the site facing Withnell Fold Old Road should be retained within any proposed development. Details of boundary treatments at the site should be provided with any application for reserved matters.

Impact on neighbour amenity

22. The application seeks outline planning permission at this stage, however, an indicative site plan has been submitted that details as to the possible layout of the eventual scheme. The indicative site plan suggests that the proposed dwellings would extend north of the existing dwellings at 46 and 48 School Lane and would be positioned at a higher level to these properties. As the proposed development would be to the north of these dwellings there would be no loss of direct light in relation to them. It is also anticipated that windows to habitable rooms should be avoided in the side elevations to any dwellings that are approved on the site, thereby avoiding any impact on privacy. In relation to the amenity of the occupiers of dwellings at 46 and 48 School Lane, the impact on outlook is therefore the only potential concern.
23. At its closest point, the indicative plan shows that the proposed dwellings would be located approximately 5m from 48 School Lane. It is noted that there is one window to a habitable room in this part of the property facing the application site. This would not appear to directly face the gable end of the nearest property indicated on the plan and it should be noted that this is not the sole source of outlook to the room it serves. In addition the existing difference

in levels is such the proposed dwelling would not be directly visible as the window currently faces a high retaining wall. It is noted, however, that the gable end of the nearest dwelling may appear rather imposing from the rear yard to 48 School Lane, given the change in levels, and for this reason it is recommended that the proposed dwellings are positioned as far to north of this boundary as is practically possible to minimise any impact.

24. The indicative plan also shows that the proposed dwellings would be located approximately 10m from 46 School Lane, and that there are windows to habitable rooms in this property facing the application site. Although the proposed dwellings may be visible from these windows, it is noted that the north facing windows in the ground floor to 46 School Lane already face a high stone retaining wall. Given that there would be no loss of light or privacy, it is considered that the proposed dwellings could be positioned and designed in such a way that their proximity would not be so harmful to outlook as to warrant refusal of the planning application. Again, it is recommended that the proposed dwellings are positioned as far to the north of this southern boundary as is practically possible to minimise any impact on outlook.
25. The indicative plans show that the proposed dwellings would be located approximately 18m, at their nearest point, from the dwellings at 18 to 23 Queensway to the north-west of the site. The application site is located at a significantly lower level to these properties and the indicative layout suggests that the dwellings would be positioned at an angle to them and, therefore, there would be no parallel facing windows. Given the difference in levels and the positioning and degree of separation that could be achieved, it is considered that the proposed development could be designed so as to avoid any detrimental impact on light, outlook or privacy.

Highway impact and access

26. There is currently vehicular access to the site from School Lane, via a car park serving the public house. This would make an unsuitable access to the proposed housing development and the indicative site layout shows a vehicular access from Withnell Fold Old Road that would serve the dwellings to the rear via a private drive. It is possible to create this access in a manner that maintains highway safety, however, further details would be required to demonstrate this as part of any application for reserved matters.
27. There would be off street parking for approximately 10 cars, which would provide an adequate level of parking provision in this area given the sustainable nature of the location being close to shops, amenities and schools.
28. It is noted that the current junction arrangement between Withnell Fold Old Road and School Lane is narrow and that visibility is not ideal, however, this is an historic arrangement and the junction has operated in this way for many years.
29. It is noted that the LCC Highways Officer considers that the proposal is acceptable and that the highway authority has no objection to the proposed development.

Loss of trees and impact on wildlife

30. An ecological assessment has been provided for the site. The only ecological constraints identified were nesting birds and reptiles. Reptiles are generally very rare in this region and the area is isolated from other potentially high value habitat, and very small. It is, therefore, recommended that an informative is attached to any grant of planning permission reminding the application that reptiles are protected under schedule 5 of the Wildlife & Countryside Act 1981 (as amended).
31. Birds were found to be nesting on the site at the time of the survey. All British birds nests and eggs (with certain limited exceptions) are protected by Section 1 of the Wildlife & Countryside Act 1981, as amended. As such, it is recommended that a condition is attached to the grant of any planning permission preventing works to trees or shrubs 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.

32. As noted by the consultants, the habitats on site are widespread and common. It is also noted that the area to be lost would be small and there are significant amounts of higher value habitat nearby. Despite this, its loss would still be a negative impact on biodiversity unless mitigation is provided. There is adequate space within the schematic layout to provide replacement planting and, therefore, it is recommended that details of appropriate landscaping are required by condition.

Public Open Space

33. In line with Local Plan Policy HS4 a contribution towards the provision or improvement of public open space (POS) would be required to address local needs. There is no local evidence of need to outweigh national policy in regards to open space and, therefore, a contribution is not required from this development.

Other matters

34. Loss of public right of way: There are no definitive public rights of way crossing the site. Any other rights of way or access that may be affected by the proposal are not a material planning consideration and are a civil matter.
35. Impact on the retaining wall to the south: It is recommended that a condition is attached to any grant of planning permission requiring details of the existing retaining walls and structures and any measures that are required in order to mitigate any impact on these structures.
36. Risk of landslip / movement through excavating / groundworks associated with the development of the site: It is recommended that a condition is attached to any grant of planning permission requiring details of the actual ground conditions and any measures that are required in order to implement the development.
37. Reduced parking opportunities on Withnell Fold Old Road due to creation of access: It is noted that any proposed access to the site from Withnell Fold Old Road would reduce the length of highway that is currently available for on street car parking. There would, however, be remaining opportunities for on street parking following the creation of any vehicular access in this location. Although it is recognised that people currently park on the highway adjacent to the site, the availability of on street car parking is a benefit, which cannot be guaranteed and as such cannot be protected in relation to an application for planning permission.

CIL

38. 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 would be a chargeable development and the charge is subject to indexation in accordance with the Council's Charging Schedule.

CONCLUSION

39. It is considered that the four new dwellings on this site is acceptable in principle due to the sustainable credentials of the site and its characteristics. It is considered that four dwellings could be designed and positioned without causing undue harm to the appearance and character of the area and impact on neighbour amenity.
40. In addition, it is considered that adequate parking could be provided and that there would be no unacceptable harm to highway safety. On the basis of the above, it is recommended that planning permission be granted.

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.

RELEVANT HISTORY OF THE SITE

Ref: 14/00412/FUL Decision: WDN Decision Date: 3 July 2014

Description: Erection of 5 no. 2 bed affordable dwellinghouses

Suggested Conditions

1. An application for approval of the reserved matters (namely the access, appearance, layout, scale and landscaping of the site) must be made to the Council before the expiration of three years from the date of this permission and the development hereby permitted must be begun two years from the date of approval of the last of the reserved matters to be approved.

Reason: This condition is required to be imposed by the provisions of Article 3 (1) of the Town and Country Planning (General Development Procedure) Order 1995 and Section 92 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

2. Either as part of the first reserved matters application or prior to the commencement of the development details of a scheme for the construction of the site access and the off-site works of highway improvement shall be submitted to and approved in writing by the Local Planning Authority.

Reason: In order to satisfy the Local Planning Authority that the final details of the scheme/works are acceptable before work commences on site.

3. No part of the development hereby approved shall be occupied until the approved scheme for the construction of the site access and the off-site works of highway improvement has been constructed and completed in accordance with the scheme details.

Reason: In order that the traffic generated by the development does not exacerbate unsatisfactory highway conditions in advance of the completion of the highway scheme/works.

4. The development shall be limited to no more than four new dwellinghouses and shall be carried out in accordance with the following plans:

Title	Drawing Reference	Received date
Location Plan	1124-SK-05	02 August 2016

Reason: For the avoidance of doubt and in the interests of proper planning

5. Either as part of the first reserved matters application or prior to the commencement of the development details of the access arrangements, highway visibility splays, parking, servicing and turning areas shall be submitted to and approved in writing by the Local Planning Authority. The development shall then be constructed in accordance with the approved details prior to the first occupation of the dwelling.

The approved parking and/or garaging shall be surfaced or paved, drained out and made available in accordance with the approved details prior to occupation and such parking facilities shall thereafter be permanently retained for that purpose (notwithstanding the Town and Country Planning (General Permitted Development) Order 2015).

Reason: In the interest of the highway safety.

6. A scheme for the landscaping of the development and its surroundings shall be submitted as part of the reserved matters application. These details shall include all existing trees and

hedgerows on the land; detail any to be retained, together with measures for their protection in the course of development; indicate the types and numbers of trees and shrubs to be planted, their distribution on site, those areas to be seeded, paved or hard landscaped; and detail any changes of ground level or landform, proposed finished levels, means of enclosure, minor artefacts and structures. The scheme should include a landscaping/habitat creation and management plan which should aim to contribute to targets specified in the UK and Lancashire Biodiversity Action Plans. Landscaping proposals should comprise only native plant communities appropriate to the natural area. The content of the plan should include elements to mitigate for loss of trees shrubs and bird nesting habitat.

All hard and soft landscape works shall be carried out in accordance with the approved details within the first planting and seeding seasons following the occupation of any buildings or the completion of the development, whichever is the sooner, 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.

Reason: To ensure that a satisfactory landscaping scheme for the development is carried out to mitigate the impact of the development and secure a high quality design.

7. Any application for reserved matters shall detail that the driveways/hardsurfacing areas for each of the dwellings shall be constructed using permeable materials on a permeable base (under-drained areas can be used if ground conditions do not suit). The materials shall be maintained in perpetuity thereafter.

Reason: In the interests of highway safety and to prevent flooding

8. As part of the first application for reserved matters or prior to the commencement of the development the following details shall be submitted to and approved in writing by the Local Planning Authority:
 - a) Details of the colour, form and texture of all external facing materials to the proposed dwelling
 - b) Details of the colour, form and texture of all hard ground- surfacing materials.
 - c) Location, design and materials of all fences, walls and other boundary treatments.
 - d) The finished floor level of the proposed dwelling and any detached garages

The development thereafter shall be completed in accordance with the approved details. Prior to the first occupation of the dwelling hereby permitted all fences and walls shown in the approved details to bound its plot shall have been erected in conformity with the approved details.

Reason: In the interests of the visual amenities and character of the area and to provide reasonable standards of privacy to residents

9. Either as part of the first reserved matters application or prior to the commencement of the development details of 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 shall be submitted to and approved in writing by the Local Planning Authority.

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. In the event of surface water draining to the public surface water sewer, the pass forward flow rate to the public sewer must be restricted to 5 l/s.

Reason: To promote sustainable development, secure proper drainage and to manage the risk of flooding and pollution. This condition is imposed in light of policies within the NPPF and NPPG.

10. Either as part of the first reserved matters application or prior to the occupation of any of the dwellings hereby approved details of a sustainable drainage management and maintenance plan for the lifetime of the development shall be submitted to the Local Planning authority and agreed in writing. The sustainable drainage management and maintenance plan shall include as a minimum:

- The arrangements for adoption by an appropriate public body or statutory undertaker, or, management and maintenance by a Resident's Management Company; and
- Arrangements concerning appropriate funding mechanisms for its ongoing maintenance of all elements of the sustainable drainage system (including mechanical components) and will include elements such as ongoing inspections relating to performance and asset condition assessments, operation costs, regular maintenance, remedial works and irregular maintenance caused by less sustainable limited life assets or any other arrangements to secure the operation of the surface water drainage scheme throughout its lifetime.

The development shall subsequently be completed, maintained and managed in accordance with the approved plan.

Reason: To manage flooding and pollution and to ensure that a managing body is in place for the sustainable drainage system and there is funding and maintenance mechanism for the lifetime of the development.

11. 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.

12. Either as part of the first reserved matters application or 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.

13. 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.

14. Due to the proposed sensitive end-use (residential housing with gardens), the development should not commence until the applicant has submitted to and had approved in writing by

the Local Planning Authority a Phase II ground investigation is recommended to determine more accurately the effect of the identified hazards on the development. Initially, this should include the following along with details of the necessary remediation measures.:

- A window sampling, trial pits and possibly cable percussive borehole investigation to confirm ground conditions and collect samples for analysis.
- Chemical analysis of soils followed by risk assessment so that the risk to human health and controlled waters can be determined.
- Gas monitoring to assess the risk posed by ground gases.
- Geotechnical soils testing of the founding strata to assess its strength and suitable grades of buried concrete.
- Confirmation of the presence of existing drainage is required.
- Slope stability assessment (if required).
- Assessment of existing retaining walls.
- Investigation of surface water run-off from adjacent site.

The development shall thereafter only be carried out following the remediation of the site in full accordance with the measures stipulated in the approved report.

Reason: Please note it is the applicant's responsibility to properly address any land contamination issues, to ensure the site is suitable for the proposed end-use, in accordance with Paragraph 121 of the National Planning Policy Framework (DCLG, 2012).

15. No tree felling, vegetation clearance works, or other works that may affect nesting birds shall take place between 1st March and 31st August inclusive, unless surveys by a competent ecologist show that nesting birds would not be affected.

Reason: Nesting birds are a protected species.