

## **APPLICATION REPORT – 16/01136/FUL**

**Validation Date: 8 December 2016**

**Ward: Clayton-le-Woods And Whittle-le-Woods**

**Type of Application: Full Planning**

**Proposal: Erection of 4no detached house with garages and associated infrastructure**

**Location: Land At The Elms Clayton-Le-Woods**

**Case Officer: Mr Iain Crossland**

**Applicant: Mr David Fellows**

**Agent: Mr Bob Margerison**

**Consultation expiry: 30 December 2016**

**Decision due by: 2 February 2017**

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### **RECOMMENDATION**

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

### **SITE DESCRIPTION**

2. The application site comprises a vehicle turning area that is part of the highway and open areas of grass verge / amenity space. The site is located within the settlement area of Clayton le Woods. The site forms part of a housing allocation under policy HS1.30 of the Chorley Local Plan 2012 – 2026. It is noted that the majority of allocation has been granted planning permission previously for 32 dwellings (application ref.14/00199/FULMAJ), which was granted on 19<sup>th</sup> December 2014, and for 33 dwellings (application ref.16/00374/FULMAJ), which was granted on the 4<sup>th</sup> November 2016.
3. The site itself slopes from east to west down towards the previously approved site. 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 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.

### **DESCRIPTION OF PROPOSED DEVELOPMENT**

4. The proposed development is for the erection of 4 no. detached dwellinghouses with associated garden curtilage and detached garages. The proposed dwellings would have a traditional design with dual pitched roofs and gable features. There would be three different 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, with garage provision.

### **REPRESENTATIONS**

5. 5 letters of objection have been received. These related to the following issues:
  - Adverse impact on highway safety

- Loss of on street parking for existing residents and visitors
- Access for emergency and services vehicles will be impeded
- Negative impact on the character of the area
- Loss of light
- Loss of privacy
- Loss of green space
- The original application stated that this open space would be retained.
- Overdevelopment of the site
- Parking disputes and neighbour disharmony

## CONSULTATIONS

6. **Whittle Le Woods Parish Council** – None received
7. **Greater Manchester Ecology Unit** – No objection to the application subject to an appropriate condition being attached
8. **Waste & Contaminated Land** – No comments to make
9. **Lancashire Highway Services** – No comments received
10. **Lead Local Flood Authority** – No comments to make
11. **United Utilities** – No objections. Advice with regards to the existence of a water main is provided and would be attached to any grant of planning permission as an informative.

## PLANNING CONSIDERATIONS

### Principle of the 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. 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.
14. The application site is located in the core settlement area of Clayton-le-Woods, on part of an allocated housing site covered by Policy HS1.30 of the Chorley Local Plan 2012 – 2026, the rest of the allocation already benefitting from planning permission. The development of housing on this site is therefore considered to be acceptable in principle.
15. The application site represents only a small proportion of the total allocation, and it is noted that planning permission has been granted previously on the main part of the allocation on two occasions for 32 no. and 33 no. dwellings. The application site was not included within the red edge on either of the two previous planning applications and it always been physically delineated from the main part of the site by boundary fencing. It is understood that the application site was subject to separate ownership and legal issues, and was not previously available for development. The site has only recently passed into the ownership of the applicant following the resolution of these issues resulting in the separate timing of this application.

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

16. The proposed layout would result in dwellings fronting onto The Elms. This would help to reinforce the pattern and character of the existing estate, contributing to an active street frontage, which integrates the wider development into the existing surrounding development. This also has the benefit of improving natural surveillance and security. The arrangement of the dwellings on entering The Elms would be such that the frontages of dwellings would

occupy prominent positions, and the dwelling types at plots 1 and 4 would have a dual aspect, which is particularly appropriate for these corner plots. It is noted that plot 1 would be particularly prominent on entering The Elms and would be most visible when approaching The Elms from the north, along Chorley Old Road. The positioning and appearance of the proposed dwelling on this plot is such that it would signal arrival into a residential housing estate, contributing to the sense of place.

17. It is noted that the entry to the estate is currently rather open with a sense of spaciousness. Although this openness would be lost, it is not considered that the proposed development would impact negatively on the character of the area because it would contribute to the sense of place and would be consistent with the street scene that would be expected of a housing estate in a residential area. The proposed dwellings would be set back approximately 5m from the highway and would not appear cramped. The siting of the proposed dwellings would also reflect the siting of existing dwellings on The Elms.
18. The design of the properties would be in the form of three different house types, all of which are two-storey detached houses. 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. The properties would all have garden areas providing sufficient storage for bins. 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.
19. In terms of the site density the development, at around 31 dwellings per hectare, would reflect that of the previously approved scheme on the adjacent site. 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

20. The application site would be located between existing dwellings and a development site with previously approved residential dwellings.
21. The front elevations of 1 to 3 The Elms are situated at a higher level relative to the site. Numbers 1 and 2 The Elms would be located approximately 20m from the proposed dwelling at plot 3. Although this is less than the Council's interface standard of 21m this is not an unusual relationship between front elevations to dwellings, where the relationship is less private than rear windows and has an intervening road. In addition to this no.s 1 and 2 The Elms are positioned at a higher level relative to plot 3 and therefore the impact on the existing residents would be less than that of the future occupiers of the proposed dwellings, who would be fully aware of the siting when purchasing the property. The relationship between the proposed development and other properties on The Elms meets with the Council's interface standards.
22. Number 221 Chorley Old Road is a dormer bungalow that is adjacent to the south side of the application site. There would be a detached dwelling at plot 1 approximately 6m to the north of the side elevation at 221 Chorley Old Road. The proposed dwelling would be located at an obscure position in relation to the windows in the front elevation of this existing dwelling and would not be directly visible as a result. There would be no impact on light or privacy, by virtue of the positioning and it is therefore considered to be an acceptable relationship.
23. Plot 2 would be positioned at an angle to 221 Chorley Old Road. The corner of this plot would be located approximately 7m from the garden boundary of 221 Chorley Old Road, however, there would be no windows directly facing the boundary due to the positioning of the proposed dwelling. It is therefore considered to be an acceptable relationship.
24. In terms of the interface distances between the proposed properties, and those of the previously approved development, these are considered to be acceptable taking into account the level changes across the site.

25. The proposal is considered acceptable in terms of the relationship with the existing surrounding properties and between the proposed properties.

#### Impact on highways/access

26. The proposal would result in the closure of the existing turning area/layby creating four dwellings, each with direct access onto The Elms. The layby was created when it was envisaged a primary school would be built on the site, which is no longer the case. No comments have been received from Lancashire County Council Highways, although it is noted that no objection was raised to the previous planning permission on adjacent land that would be accessed via The Elms.
27. 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.
28. The previous planning permissions (14/00199/FULMAJ and 16/00374/FULMAJ for 32 and 33 dwellings respectively) were approved on the basis that the development would be connected to the existing estate road of The Elms. The proposed dwellings would have direct individual driveway access onto The Elms, which reflects the arrangement of the existing dwellings on The Elms. It is considered unlikely that an additional four dwellings, albeit in a different position, would add such a significant burden to the highway over and above that which has already been approved in this location. It is not therefore considered that there would be an impact on highway safety severe enough, in terms of that required by Paragraph 32 of the Framework, to warrant the refusal of the application.

#### Public Open Space (POS)

29. 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 therefore a contribution is not required from this development.

#### Sustainability

30. 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.”*

31. 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**

32. 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**

33. The application is recommended for approval subject to conditions.

**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 PLANNING HISTORY**

**Ref: 14/00199/FULMAJ Decision: PERFPP Decision Date: 19 December 2014**

**Description: Proposed residential development consisting of 32no. dwellings (including 10 no. affordable dwellings).**

**Ref: 16/00374/FULMAJ Decision: PERFPP Decision Date: 4 November 2016**

**Description: Erection of 33 dwellings including associated garages and infrastructure**

**Ref: 16/01118/S106A Decision: PCO Decision Date:**

**Description: Request under Section 106A of the Town and Country Planning Act 1990 (as amended) and the Town and Country Planning (Modification and Discharge of Planning Obligations) Regulations 1992 to modify a planning obligation (Affordable Housing) dated 2 November 2016.**

### **Suggested Conditions**

To follow