

## **APPLICATION REPORT – 16/00886/FUL**

**Validation Date: 3 October 2016**

**Ward: Clayton-le-Woods North**

**Type of Application: Full Planning**

**Proposal: Redevelopment of site to create 4 two bedroom houses together with additions of residents parking, private drives and boundary treatment on Land South West Of 7 Three Nooks Bamber Bridge .**

**Location: Land South West Of 7 Three Nooks Bamber Bridge**

**Case Officer: Andrew Williams**

**Authorising Officer:**

**Applicant: Mr John Wright**

**Agent: Mrs Archana Gemawat**

**Consultation expiry: 11 November 2016**

**Decision due by: 28 November 2016**

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### **RECOMMENDATION**

**Permit Full Planning Permission**

### **SITE DESCRIPTION**

#### **DESCRIPTION OF PROPOSED DEVELOPMENT**

This application seeks the redevelopment of the site to provide four two bedroomed houses with associated car parking, driveways and integrated boundary treatments.

The proposals comprise two pairs of two storey semi-detached properties sited perpendicular from one another with private access onto Three Nooks and car parking for two spaces per dwelling.

Each property will be constructed from a light red multi-facing brick under a gable ended edgemere smooth grey concrete tiled roof with white pvcu windows.

The accommodation offers a lounge, kitchen/diner and W.C. to the ground floor and two bedrooms with shared bathroom to the first floor.

To facilitate the development the application seeks to remove a number of mature trees, hedgerows and shrubbery largely contained to the boundaries.

## RELEVANT HISTORY OF THE SITE

No relevant planning history associated with the site.

## REPRESENTATIONS

Two letters of objection received (one duplicate) from a neighbouring occupier detailing the following concerns:

| Objection  | Response from the Council   |
|--|---|
| The development will take away one of few green open spaces left in the vicinity.  | The application site is located within 120 meters of three retained areas of public open space.   |
| It will require the removal of a mature (approximately 40 year old ) oak tree to be replaced with an "appropriate specimen " as per tree survey. Where would you find such a specimen and at what cost ? | This information shall be provided within the tree replacement condition attached to any grant of approval.                             |
| The distance from the window of my property to the window of the proposed properties is approximately 18/19 metres and not 20/21 metres that Chorley Borough Council require under their planning rules  | As indicated on the submitted site plan (P02) the proposed development lies at a distance of at least 22m to the neighbouring occupier. |

## CONSULTATIONS

**Lead Local Flood Authority** – No objection

**Trees – Preference to retain tree however no overall** objection subject to conditions

**Greater Manchester Ecology Unit** – No objection subject to conditions

**Planning Policy (Open Space)** – No objection subject to POS contributions

**United Utilities** – No objection subject to conditions

**Waste & Contaminated Land** – Request a condition

**Lancashire County Council Public Rights Of Way** – No response received

**Parks & Public Open Space** – No response received.

**Parish Council** - The proposed development would impinge on the green space of a planned estate as well as have an impact from the removal of trees in the area.

## PLANNING CONSIDERATIONS

It is considered that the main issues in the determination of this application are:

- Principle of development;
  - o Loss of public open space;
- Impact upon the character and appearance of the locality;
- Highways implications;
- Amenity considerations;
- Ecology;
- Arboriculture;
- Community Infrastructure Levy; and
- Financial considerations.

### Principle of development

The NPPF (The Framework) states that housing applications should be considered in the context of the presumption in favour of sustainable development and therefore development proposals which accord with the development plan should be approved without delay.

There is particular support for the provision of affordable housing in The Framework and through Policy 6 of the Central Lancashire Core Strategy.

Policy 1(a) of the Central Lancashire Core Strategy encourages growth and investment to be concentrated in Bamber Bridge providing it is in keeping with the local character and setting of the area.

One of the core principles of the Framework is that development should be focussed in sustainable locations and approved without delay unless other material considerations indicate otherwise. Further to undertaking a site visit it is evident that the site is located within a sustainable location with sufficient public transport networks and local services and facilities within walking to support the development.

#### Loss of public open space

The application site is located in the core settlement area of Clayton Brook on an area of designated public amenity open space as identified and assessed as part of the Open Space Study. In this regard the site is assessed as being high quality and of high value to the local area.

There is currently a surplus of amenity green space within the Clayton Brook area (5.984ha) and therefore it is not considered that the proposed loss (representing 0.17ha or 2%) would cause an unacceptable deficiency of amenity green space within the immediate vicinity of the site to the disadvantage of the local community.

Policy HW2 of the Chorley Local Plan 2012 – 2026 stipulates that '*Land and buildings currently or last used as, or ancillary to, open space or sports and recreational facilities will be protected unless:*

- a) *Alternative facilities of an equivalent or enhanced standard are provided nearby before the existing facilities cease to be available; or*
- b) *It can be demonstrated that the loss of the site would not lead to a deficit of provision in the local area in terms of quantity and accessibility; and*
- c) *The site is not identified as being of high quality and/or high value in the Open Space Study; and*
- d) *It can be demonstrated that retention of the site is not required to satisfy a recreational need in the local area; and*
- e) *The site does not make a significant contribution to the character of an area in terms of visual amenity.'*

In this regard the proposal would be compliant with criterion b) and d) given it has been demonstrated that the loss of the site would not lead to a deficit of provision in the local area and appears to serve no particular recreational need to the local community. Notwithstanding this, the site is identified as being of high quality and high value within the Open Space Study(c)) and is considered to make a significant contribution to the visual amenities of the area (e). The latter is given significant weight in the determination of this application and therefore taking into consideration the points raised above, the proposal is contrary to the main purposes of Policy HW2. In such instances, and to overcome the harm, the applicant is required to either provide alternative provision elsewhere in the local area or through the agreement of a contribution towards improvements to remaining designated green space of £8 per m<sup>2</sup> of amenity green space lost.

Further to discussion with the Planning Policy team, it is acknowledged that there is no suitable land available in Clayton Brook to provide alternative provision and therefore a commuted sum for the loss of the site would be acceptable.

On the basis of the above any planning approval would therefore be dependent upon a section 106 agreement detailing and securing a commuted sum payment.

The applicant has however submitted a viability assessment which demonstrates that the provision of any contribution would render the development unviable.

Viability is material planning consideration and paragraph 173 of the Framework states that to ensure viability, the costs of any requirement likely to be applied to development...when taking account of the normal cost of development and mitigation, provide competitive returns to a willing land owner and willing developer to enable the development to be deliverable. The viability assessment submitted is being reviewed by the Council's Surveyor and the outcome will be reported on the addendum.

Subject to the viability report being robust the proposed development would deliver affordable housing in a sustainable location, which is of benefit to the local community and although it is acknowledged it will result in the loss of an area that makes a contribution to the character of the area in terms of visual amenity, it is considered the provision of affordable housing carries significant weight in national planning policy and therefore in the planning balance is sufficient to outweigh this. As such, it is considered that the loss of the amenity green space at the site can be justified in this instance due to the benefits provided by the proposed development the principle of development is therefore considered to be acceptable subject to other material planning considerations as outlined below.

### **Impact upon the character and appearance of the locality**

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.

Paragraph 60 of the NPPF (2012) states that '*Planning policies and decisions should not attempt to impose architectural styles or particular tastes and they should not stifle innovation, originality or initiative through unsubstantiated requirements to conform to certain development forms or styles. It is, however, proper to seek to promote or reinforce local distinctiveness.*'

There is a consistent form of development in the immediate area of the site comprising a mixture of staggered terraced residential units and a three storey apartment block with front and rear gardens, private car parking and a mixture of hedgerow and timber fence panelling to the boundaries. As show below, the dwellings themselves are fairly typical of their period, being constructed in red brickwork under shallow pitched concrete tiled roofscapes with corresponding fenestration patterns.

The proposal seeks the construction of four modern two storey semi-detached properties facing onto Three Nook with two separate driveways and associated landscaping. The site is 'L' shaped and bounded to the north by public highway and the gable end of No.7, the south by the curtilage of the adjacent property of Overdene and Goughs Lane, the east by the dwelling of Overdene and Glayton Brook Road and the west by a three storey apartment block (as shown above). Given the nature of the site, the pair of semi-detached properties lie at perpendicular angles with principal elevations facing onto Three Nooks, at a distance of between 18m and 32m from the public highway.

The two proposed dwellings to the north eastern portion of the site correspond to the existing staggered building lines of the adjacent Nos.1-7 and are of a proportionate size to correspond appropriately within this context. The southern-most properties, whilst sited 32m from the Three Nook, are positioned in a more appropriate location to align with the dwellings alongside Gough Lane to which the proposal lies closest to.

Whilst it is acknowledged that the design concept for the dwellings is dissimilar to the surrounding built form, it is not considered a replication of the adjoining terraces would benefit the appearance, nor maintain the open character, of this particular site and therefore a different design approach has been undertaken. The proposals will, however, incorporate similar fenestration patterns and light red multi-facing brickwork under a grey concrete tiled pitched roof to help assimilate the proposal with existing architectural features along Daisy Meadow.

It is therefore considered that the simple design, scaling and proportionate massing of development is sympathetic to the densities found within the locality and would not harm, or be contrary to, the existing architectural characteristics of the adjoining residential units.

The development has also been designed to maintain permeability and offer a degree of openness attributed to its setting through the creation of gaps in-between properties and sufficient distances to adjoining built forms to safeguard the verdant character of the site. In instances where trees are to be removed, it is proposed that replacement planting will be incorporated within the scheme. This is considered to help promote and reinforce local distinctiveness.

The proposals therefore comply with Policy BNE1 of the Local Plan.

### **Highways implications**

Policy BNE1 of the Chorley Local Plan 2012-2026 reiterates that development will only be permitted where the *'residual cumulative highways impact of the development is not severe and would not prejudice highway safety, pedestrian safety, the free flow of traffic, and would not reduce the number of on-site parking spaces below the standards stated with the Site Allocations Policy – Parking Standards, unless there are other material considerations which justify the reduction.'*

Policy ST4 requires development to make parking provision in accordance with the standards set out in Appendix A of the Local Plan. In this regard the proposal includes two car park spaces for each unit which complies with the parking standards for a two bedroomed property. There is also four additional visitor parking bays being made available to reduce the need to park on Three Nook or its surrounding streets.

In considering the wider access arrangements, it is noted that there are a number of bus services available along Clayton Brook Road, immediately to the east, which provides the benefit of realistic sustainable transport alternatives. There are also a number of amenities in the locality (Clayton Brook Local Centre) which can be accessed by foot and public transport to the south west. The location is therefore considered to be a sustainable one.

On balance, the proposal is considered acceptable in relation to Policy BNE1 of the Local Plan.

### **Amenity considerations**

*Policy BNE1 of the adopted Chorley Local Plan 2012 – 2026 states that there should be no unacceptable adverse effect on the amenity of neighbouring properties through overlooking, loss of privacy or reduction of daylight.*

*The Householder Design Guidance SPD asserts that as a design principle, a minimum of 21 meters should be maintained between parallel habitable room windows with windows at first floor, which overlook a neighbour's garden, maintaining 10 meters from the boundary they face. There should also be a distance of at least 12 meters between the windows of habitable rooms in neighbouring houses and any two storey blank gable to maintain amenity.*

In the determination of this application consideration has been given to the standard design guidelines for interface distances between habitable room windows of neighbouring properties and the impact of development upon any loss of light or overbearing effect to adjoining occupiers.

In this regard the proposed development has been positively designed to meet the interface distances shown above. The proposal exceeds the minimum 21 meters between habitable room facing windows of neighbouring properties (23m to Rodger Bank to the south-west, beyond Goughs Lane, and 45m to the adjacent properties lying beyond Three Nooks to the west). In respect to the distance between the gable end of Overdene and that of the side elevation of the proposed dwelling to the northern aspect, this is estimated to be 14m which therefore meets the guidance contained within The Householder Design Guidance SPD.

It is not considered that the development would detrimentally impact upon the amenities of any other property given the suitable layout, the level of screening to the boundaries and the positioning of habitable room windows facing away or at an appropriate distance from neighbouring occupiers.

It is therefore considered that the proposal would not cause undue overlooking, a significant loss of privacy or a reduction of daylight to the detriment of neighbouring occupiers to warrant a reason for refusal.

It is also considered necessary to obscure glaze the downstairs W.C. and upstairs landing and bathroom windows to maintain an appropriate level of amenity to the occupants and neighbouring residents.

## **Ecology**

Policy BNE9 of the Chorley Local Plan (2016-2026) states that priority will be given to protecting, safeguarding and enhancing habitats for European, nationally and locally importance species.

The application is supported by the submission of an Ecological Appraisal produced by bEk Enviro and dated July 2016. The Survey results identified that there was neither current nor recent presence of bats or any potential roosting opportunities in or around the site. However, the overall nature of the site was considered suitable for the foraging and commuting of bats and therefore it was recommended that any future development should incorporate sensitive light sources to avoid spillage into foraging habits. In response, the Greater Manchester Ecological Unit (GMEU) has indicated that whilst there might be a negative impact on foraging, this impact is likely to be negligible given the scale of the development. As a result no mitigation has been requested.

In respect to protected bird species, it is not considered that there are any significant wider implications in relation to 'Schedule 1 specially protected bird species' given the nature and scale of the proposed development. However, there would be a small loss of potential nesting sites and therefore a condition requiring that no works to trees or shrubs shall occur between the 1<sup>st</sup> March and 31<sup>st</sup> August unless a detailed bird nest survey has been carried out immediately prior to site clearance has been recommended.

The GMEU has also requested a landscape management plan be submitted to mitigate for the loss of trees, shrubs and associated bird nesting habitat. This is considered reasonably necessary for the purposes of protecting, safeguarding and enhancing the local habitat in line with policy BNE9 of the Local Plan.

Subject to the incorporation of the aforementioned conditions, the development complies with policy BNE9 of the Local Plan.

## **Arboriculture**

Policy BNE10 states that proposals which would result in the loss of trees and/or involve inappropriate works to trees which contribute positively to the character of the landscape, a building, a settlement or the setting thereof will not be permitted. Replacement planting will be required where it is considered that the benefit of development outweighs the loss of some trees or hedgerows.

The application is supported by the submission of an Arboricultural Impact Assessment produced by bEk Enviro to satisfy Policy BNE10 of the Local Plan.

The tree survey classifies the trees on site into the following categories:

Category A: Trees of high quality and value: in such a condition as to be able to make a substantial contribution (a minimum of 40 years is suggested). Trees in this

category are the best trees on the site and should be retained wherever possible.

Category B: Trees of moderate quality and value: In such a condition as to make a significant contribution (a minimum of 20 years is suggested).

Category C: Trees of low quality and value: Currently in adequate condition to remain until new planting could be established (minimum 10 years is suggested), or young trees with a stem diameter below 150mm.

Category U: Trees in such a condition that any existing value would be lost within 10 years and which should, in the current context, be removed for reasons of sound arboricultural management.

In assessing the report the Council's Arboricultural Advisor has concluded that the proposed tree felling appears to be acceptable on the delivery of a replacement planting scheme to mitigate against the loss of the trees. This is further to examining the possibility of locating the planned development south/south west so as to retain T2 (Oak) which was considered to be of high quality and of amenity value. However, it is concluded that in re-siting the proposed development this would have a greater impact upon the amenities of neighbouring properties and result in nonconformity to local policy. In assessing the advantages of providing affordable housing in a sustainable location it is not considered that the adverse impacts through the loss of one tree would significantly or demonstrably outweigh the benefits of the scheme as a whole.

In addition to the above, one category C1 Hawthorn tree is to be felled to which the Arboricultural Advisor raises no objection.

In recognising the verdant character of the site, the Arboricultural Impact Assessment recommends mitigation in the form of replacement planting of indigenous tree species, as well as ornamental trees, shrubs and hedges within the site which is agreed by the Council's Advisor as an appropriate course of action. To this end, a replacement planting schedule will be requested through condition.

The Council's Advisor has also indicated that successful retention of the remaining trees throughout the development phase will require the trees to be protected with temporary protective fencing through the submission of a Method Statement for Tree Protection conditioned to any grant of approval.

Subject to the incorporation of the abovementioned conditions, the proposal complies with policy BNE10 of the Local Plan.

### **Community Infrastructure Levy**

The proposed development is CIL chargeable, however, social housing relief has been sought on the basis that the development is for affordable rented housing.

### **FINANCIAL CONSIDERATIONS**

In terms of the open space contributions generated by the development in line with policies HS4a and HS4b of the Chorley Local Plan 2012 – 2026 and the Open Space and Playing Pitch SPD no contribution is required as for developments of less than eleven dwellings. The Council's approach is that a contribution is only required towards provision for children/young people if there is local evidence of need. Although there is a deficit of provision of this typology in Clayton Brook/Green there are no identified schemes for new provision and there are no schemes that the contributions can be pooled towards. A contribution is not therefore required.

### **CONCLUSION**

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

amenity of neighbouring occupiers and would not cause unacceptable harm to appearance of the site and character of the area. In addition adequate parking is provided. The retention of the public open space is not considered to be a necessity in this instance on the basis that the loss is offset by alternative provision or improvement secured through an off-site reduced contribution based on viability. 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.

**Suggested Conditions**

1. The proposed development must be begun not later than three years from the date of this permission.

*Reason: Required to be imposed by Section 51 of the Planning and Compulsory Purchase Act 2004.*

2. The development hereby permitted shall be carried out in accordance with the approved plans below:

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

| Title                                | Plan Ref | Received On       |
|--------------------------------------|----------|-------------------|
| Location Plan                        | P01      | 23 September 2016 |
| Proposed Site Plan                   | P02      | 23 September 2016 |
| Proposed Floor Plans and Elevations. | 01       | 23 September 2016 |

3. Prior to the commencement of above groundworks, samples of all external facing and roofing materials (notwithstanding any details shown on previously submitted plan(s) and specification) shall be submitted to and approved in writing by the Local Planning Authority. All works shall be undertaken strictly in accordance with the details as approved.

*Reason: To ensure that the materials used are visually appropriate to the locality.*

4. A scheme for the landscaping of the development and its surroundings shall be submitted. 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.

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.*

5. During the construction period, all trees to be retained shall be protected in accordance with British Standard BS 5837:2012 or any subsequent amendment to the British Standards.

*Reason: To safeguard the trees to be retained.*

6. Before any tree felling is carried out full details (including species, number, stature and location) of the replacement tree planting shall have been submitted to and approved in writing by the Local Planning Authority. The replacement tree planting shall be carried out in accordance with the approved details within nine months of the tree felling.

*Reason: To safeguard the visual amenity of the area.*

7. If the tree felling hereby approved does not commence before 31st March 2018 then the trees will be reassessed for bat roosting potential and the finding supplied to and agreed in writing by the LPA.

*Reason: In the interests of protecting habitats for European Protected Species.*

8. No works to trees or shrubs shall occur between the 1st March and 31st August in any year unless a detailed bird nest survey by a suitably experienced ecologist has been carried out immediately prior to clearance and written confirmation provided that no active bird nests are present which has been agreed in writing by the LPA.

*Reason: In the interests of protecting habitats for European Protected Species.*

9. The dwellings hereby permitted shall not be occupied until the parking area to the front/side of the properties are constructed in accordance with the approved plans and shall be retained in situ thereafter.

*Reason: In the interests of highway safety.*

10. Before the development hereby permitted is first commenced full details of existing and proposed ground levels and proposed building finished floor levels (all relative to ground levels adjoining the site) shall have been submitted to and approved in writing by the Local Planning Authority, notwithstanding any such detail shown on previously submitted plan(s). The development shall be carried out strictly in conformity with the approved details.

*Reason: To protect the appearance of the locality and in the interests of the amenities of local residents.*

11. No development shall take place, including any works of demolition, until a Construction Method Statement has been submitted to, and approved in writing by, the local planning authority. The approved Statement shall be adhered to throughout the construction period. The Statement shall provide for:

- i. the parking of vehicles of site operatives and visitors
- ii. hours of operation (including deliveries) during construction
- iii. loading and unloading of plant and materials
- iv. storage of plant and materials used in constructing the development
- v. the erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate
- vi. wheel washing facilities
- vii. measures to control the emission of dust and dirt during construction

viii. a scheme for recycling/disposing of waste resulting from demolition and construction works

*Reason: in the interests of highway safety and to protect the amenities of the nearby residents.*

12. 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.*

13. 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.*

14. 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.*

15. Windows to the ground floor W.C and first floor landing and bathroom of the dwellings hereby permitted shall be fitted with obscure glass and obscure glazing shall be retained at all times thereafter. The obscure glazing shall be to at least Level 3 on the Pilkington Levels of Privacy, or such equivalent as may be agreed in writing by the local planning authority.

*Reason: In the interests of the privacy of occupiers of neighbouring property.*