

APPLICATION REPORT – 17/00173/FUL

Validation Date: 8 March 2017

Ward: Chisnall

Type of Application: Full Planning

Proposal: Erection of 4no. dwellinghouses

Location: Land 60M North To The Rear Of 34-42 And Including 42 Chorley Lane Charnock Richard

Case Officer: Mr Iain Crossland

Applicant: Mr J Mawdsley

Agent: Mr James Lawson

Consultation expiry: 11 April 2017

Decision due by: 3 May 2017

RECOMMENDATION

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

SITE DESCRIPTION

2. The application site is located in the settlement area of Charnock Richard, to the rear of 34 - 42 Chorley Lane, which was previously occupied by Buttermere Nurseries. This operation ceased trading in the early 1990's and became unused, prior to the site being developed for the erection of eight dwellings under planning permission 13/00600/FUL. This involved the demolition of 42 Chorley Lane to create the necessary access. The site is currently under development with several houses nearing completion.

DESCRIPTION OF PROPOSED DEVELOPMENT

3. The proposed development is for the erection of four dwellings to the south east corner of the site, but in actual fact comprises the replacement of a previously approved detached dwelling with a pair of semi-detached dwellings, and alteration to the siting of a previously approved pair of semi-detached bungalows. This would in effect result in the addition of one dwelling to the previously approved scheme resulting in a total of nine dwellings overall on the site.

REPRESENTATIONS

4. Two letters of objection have been received. These relate to the following issues, which are summarised below:
 - Overdevelopment of the site.
 - Drainage problems will be increased.
 - The side elevation of plot 5 is 9m from the rear of 4 Nursery Close

- The builder is seeking to abandon a previously approved detached dwelling with two semi-detached dwellings.
- Plot 5 is not being built in accordance with the approved plans.
- The site is not being developed in accordance with the approved plans, and measurements are incorrect.
- Any deviation from the approved plans has been done to accommodate this proposal.
- The proposed development would result in a completely different relationship to the previously approved scheme.

CONSULTATIONS

5. Charnock Richard Parish Council: The Parish Council object strongly to these proposals as this is the second modification to the original planning permission granted for this site. The addition of a further house will constitute over development of what is already considered to be an intense development. Furthermore, the applicant at the time of the original planning submission claimed that the small number of houses proposed could not sustain more than one unit of affordable/low cost homes. Increasing the size of the development should result in a re-examination of this claim and, any additional units should be classified as an affordable home. The detrimental impact of this development is already being felt by homeowners adjacent to, and around the site, with many experiencing significant flooding and drainage issues due to the variation in height between their own homes and the development in question. A further dwelling will only serve to make these issues worse. The Parish Council understand that building work on this amended submission has already started which further supports their strong objections to these proposals.
6. Waste & Contaminated Land: No objection subject to an appropriate informative.
7. Greater Manchester Ecology Unit: No objection subject to an appropriate condition.
8. United Utilities: No objection.

PLANNING CONSIDERATIONS

Principle of development

9. The principle of housing on the site has already been established through previous permissions. The proposed development would add one dwelling through the replacement of a detached property with a pair of semi-detached dwellings, the issue therefore is whether this change to the scheme is acceptable or not. It is considered acceptable in principal as it will be on a housing site subject to the other matters discussed below.

Impact on character and appearance of the locality

10. The proposed development would result in the replacement of a previously approved detached dwelling with a pair of semi-detached dwellings. The proposed semi-detached dwellings would be of a simplified traditional design and would occupy the same footprint as the previously approved dwelling, with the addition of a two storey flank on either side. Although the appearance of the proposed dwellings would differ, the plots would be located within the site itself and are of an appropriate design in the context of the overall scheme and location. It is also noted that there are a wide range of properties in the area, including detached two-storey houses on Nursery Close and Chorley Lane and to the east, the new properties on Cherry Tree Close. There are also bungalows on Chorley Lane as well as semi-detached properties.
11. The semi-detached bungalows at plots 8 and 9 would be of the same design to those previously approved but would be sited approximately 1m closer to the southern boundary of the site than their previously approved position. This would have little impact on the appearance of the scheme.
12. The proposed development would result in an overall site density of approximately 22.5 dwellings per hectare, when incorporated with the previously approved development, which is similar to other residential developments recently permitted in the surrounding area. As

such the proposed development relates well to the prevailing density of the area and is not considered to result in the overdevelopment of the site.

13. On the basis of the above it is considered that the proposed development would be of an appropriate design, scale and layout. The proposed development would result in no adverse impact on the character of the area in the context of the previously approved development.

Impact on neighbour amenity

14. The proposed semi-detached dwellings at plots 6 and 7 would have rear elevations facing the public footpath to the east and dwellings beyond at Cherry Tree Close. These dwellings would be located approximately 13.5m from the rear boundary to properties at 3 and 4 Cherry Tree Close at the nearest point and approximately 27m from the properties themselves at the nearest point. The proposed properties therefore meet the interface guidelines in terms of distance to boundaries and between facing windows and distances to boundaries. The relationship is similar to the previously approved arrangement and it is noted that a row of protected trees filter views between the site and Cherry Tree Close.
15. The repositioning of plots 8 and 9 (previously 7 and 8) approximately 1m to the south would have no greater impact on the amenity of the occupiers of any surrounding properties over and above the previously approved situation. The relationship between properties on the development site would remain acceptable.

Highway impact and access

16. It is noted that there would be vehicular access to the site from Chorley Lane, which remains as approved previously. The proposed semi-detached dwellings themselves would contain three bedrooms and there would be off street car parking spaces for at two cars at each property as identified on the proposed site plan. Parking levels for the bungalows at plots 8 and 9 would remain as originally approved. On this basis the scheme would comply with the parking standards specified in policy ST4 of the Chorley Local Plan 2012 – 2026.

Drainage

17. Given that the footprint of the proposed semi-detached dwellings would be only slightly larger than the previously approved detached dwelling it is unlikely that the impact on surface water drainage would be very different from the previously approved scheme in the context of the overall site.

Affordable housing

18. The number of dwellings proposed as part of this application does not meet the threshold of 5 dwellings that would trigger a requirement for affordable housing. If the entire site were to be reconsidered to take account of this latest application then the proposal would not provide the full 35% affordable housing required in line with Policy 7 of the Core Strategy. A Viability Assessment was submitted at the time of the original application (ref. 13/00600/FUL), which was assessed and agreed that the scheme was only viable with one affordable bungalow (12.5% affordable housing).
19. The development as a whole would result in 11% provision in relation to the overall site, taking account of the additional dwelling that would be provided through this application. The replacement of a large detached dwelling with a pair of smaller semi-detached dwellings would have little impact on the overall viability of the scheme. Given that the level of affordable housing provision has not changed radically and that the change in dwelling types would have a limited impact on the viability of the scheme it is not considered that a reassessment of the viability case is necessary under the circumstances, given the level of evidence provided at the time of the original application.

Public Open Space

20. 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. There is a signed legal agreement forming part of the previous planning permission (application ref. 13/00600/FUL) to which this development

relates that makes provisions for public open space, which has been satisfied and therefore no further contributions need to be sought.

Community Infrastructure Levy

21. 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.

Other matters raised

22. The side elevation of plot 5 is 9m from the rear of 4 Nursery Close: Plot 5 does not form part of this application.
23. The builder is seeking to abandon a previously approved detached dwelling with two semi-detached dwellings: The applicant would like to replace the previously approved detached dwelling with a pair of semi-detached dwellings on the same plot, which is the subject of this application.
24. Plot 5 is not being built in accordance with the approved plans: Plot 5 does not form part of the application site, however, the matter has been investigated by the planning enforcement team and remains the subject of an ongoing complaint.
25. The site is not being developed in accordance with the approved plans, and measurements are incorrect: This matter has been investigated by the planning enforcement team and remains the subject of an ongoing enquiry.
26. Any deviation from the approved plans has been done to accommodate this proposal: This application seeks to amend the relevant parts of the site to facilitate the inclusion of two semi-detached dwellings in place of a previously approved detached dwelling.
27. The proposed development would result in a completely different relationship to the previously approved scheme: The relationship of the proposed development with surrounding properties has been assessed above and found to be acceptable.

CONCLUSION

28. The proposed development would have no unacceptable detrimental impact on the amenity of neighbouring occupiers or the appearance of the site and character of the area. In addition there is adequate parking. On the basis of the above assessment 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: 12/00369/FUL **Decision:** WDN **Decision Date:** 12 July 2012

Description: Demolition of no. 2 Nursery Close and erection of 10 dwellings (8 no. two-storey houses and 2 no. bungalows), access road and associated development

Ref: 13/00600/FUL **Decision:** PERFPP **Decision Date:** 26 November 2014

Description: Demolition of 42 Chorley Lane and former nursery buildings and the erection of 8 dwellings, access road and associated development.

Ref: 15/00153/DIS **Decision:** PEDISZ **Decision Date:** 17 July 2015
Description: Application to discharge conditions 2 (external materials), 3 (Design Stage Assessment), 4 (carbon reduction statement), 5 (parking for contractors and visitors), 6 (hard ground surfacing materials), 8 (foul and surface water drainage), 15 (contamination report), 17 (fences and walls), 18 (pre-cautionary bat survey), 21 (habitat/landscape plan) and 25 (plots 1-4 land drainage) of planning approval ref: 13/00600/FUL (which was for demolition of 42 Chorley Lane and former nursery buildings and the erection of 8 dwellings, access road and associated development).

Ref: 16/01001/FUL **Decision:** PDE **Decision Date:**
Description: Alterations to previously approved house types J and D on plots 1, 3 and 4 (originally approved under 13/00600/FUL), to add an integral garage with room above to the side of plot 1 and to increase the ridge height and add roof lights to the semi-detached bungalows on plots 3 and 4 (to allow creation of a room in the roof space). Also, to amend the line of the French drain in the rear gardens of these properties to avoid the tree line on the western boundary.

Ref: 90/00706/OUT **Decision:** REFOPP **Decision Date:** 1 November 1990
Description: Outline application for residential development, incorporating access road and improvements to existing public house car park

Suggested Conditions

No.	Condition															
1.	The proposed development must be begun not later than three years from the date of this permission. <i>Reason: Required to be imposed by Section 51 of the Planning and Compulsory Purchase Act 2004.</i>															
2.	The external materials as detailed on the approved plans and application form shall be used and no others substituted unless alternatives are submitted to an agreed in writing by the Local Planning Authority. <i>Reasons: In the interests of the visual amenity of the area in general and the existing building in particular.</i>															
3.	The development hereby permitted shall be carried out in accordance with the following approved plans: <table border="1" data-bbox="336 1391 1321 1552"> <thead> <tr> <th>Title</th> <th>Drawing Reference</th> <th>Received date</th> </tr> </thead> <tbody> <tr> <td>Location plan</td> <td>13/040/L03</td> <td>15 February 2017</td> </tr> <tr> <td>Proposed site plan</td> <td>13/040/P01 Rev.D</td> <td>15 February 2017</td> </tr> <tr> <td>House Type K</td> <td>13/040/P09</td> <td>15 February 2017</td> </tr> <tr> <td>House Type J</td> <td>13/040/P06 Rev.A</td> <td>15 February 2017</td> </tr> </tbody> </table> <i>Reason: For the avoidance of doubt and in the interests of proper planning</i>	Title	Drawing Reference	Received date	Location plan	13/040/L03	15 February 2017	Proposed site plan	13/040/P01 Rev.D	15 February 2017	House Type K	13/040/P09	15 February 2017	House Type J	13/040/P06 Rev.A	15 February 2017
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4.	All new dwellings are required to achieve a minimum Dwelling Emission Rate of 19% above 2013 Building Regulations. <i>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.</i>															
5.	The development shall be completed in accordance with the approved details and SAP assessment (Standard Assessment Procedure) received 19 th May 2017 demonstrating that the dwellings will meet the required Dwelling Emission Rate.															

	<p>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.</p>
6.	<p>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.</p> <p>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.</p>
7.	<p>Surface water must drain separate from foul and no surface water will be permitted to discharge directly or indirectly into existing foul sewerage systems. Any surface water draining to the public sewer must be restricted to a maximum pass forward flow of 5 l/s. The development shall be completed, maintained and managed in accordance with the approved details.</p> <p>Reason: To ensure a satisfactory form of development and to prevent an undue increase in surface water run-off and to reduce the risk of flooding.</p>
8.	<p>The integral garage(s) hereby approved on plots 6 and 7 shall be kept freely available for the parking of cars and no works, whether or not permitted by the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) or any order amending or revoking and re-enacting that order, shall be undertaken to alter convert the space into living or other accommodation.</p> <p>Reason: To ensure three garaging/off street parking spaces are provided and maintained for these properties and thereby avoid hazards and nuisance caused by on-street parking.</p>
9.	<p>The parking and associated manoeuvring facilities shown on the plans hereby approved shall be surfaced or paved, drained and marked out and made available in accordance with the approved plan prior to the occupation of any of the buildings; such parking facilities shall thereafter be permanently retained for that purpose (notwithstanding the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended)).</p> <p>Reason: To ensure provision of adequate off-street parking facilities within the site.</p>
10.	<p>No dwelling shall be occupied until all fences and walls shown in the approved details to bound its plot, have been erected in conformity with the approved details. Other fences and walls shown in the approved details shall have been erected in conformity with the approved details prior to substantial completion of the development.</p> <p>Reason: To ensure a visually satisfactory form of development and to provide reasonable standards of privacy to residents.</p>

11.	Plants listed on Schedule 9 of the Wildlife and Countryside Act 1981 (as amended) which occur on the site, including Montbretia and Variegated Yellow Archangel, shall be eradicated from the site and working methods shall be adopted to prevent their spread. Reason: To prevent the spread of invasive plant species.
12.	Prior to occupation of the development, nesting opportunities for birds (House Sparrow, Starling and House Martin) shall be installed into the site as detailed in 5.4.5, 5.4.6 and 5.4.8 of the Ecological Survey and Assessment (ERAP Ltd, July 2013, ref: 2013_084) and paragraph 1.4 & figure 1 of the Annex Report to Ecological Survey and Assessment (ERAP Ltd, August 2013, ref: 2013_084b). In addition, bird boxes for other Species of Principal Importance including Song thrush (open fronted bird boxes) shall be installed in suitable locations within the developed site. Reason: To secure bird nesting opportunities.
13.	Site clearance, site preparation and development work shall be carried out in accordance with the principles of the habitat creation/landscaping and management plan received 17 February 2015. The planting shall be as per the submitted revised Soft Landscaping Proposals (Drawing no. 644.200B) with the exclusion of Elder (<i>Sambucus nigra</i>) from the hedgerow planting mix and the replacement of <i>Carpinus betulus</i> "Frans Fontaine" and "Landscape Bloom" <i>Prunus avium</i> from the tree planting mix with appropriate native species. Reason: To ensure a satisfactory landscaping scheme is carried out which encourages habitat creation.
14.	Details of any lighting to be installed shall be submitted to and approved in writing by the Local Planning Authority before any such installation is carried out. The installation shall then be implemented precisely in accordance with these agreed details which shall then not be varied. Furthermore, no additional external lighting shall be installed without the express written permission of the Local Planning Authority. Reason: To avoid excessive light spill and to avoid illuminating bat roosting opportunities within the site, the roof or eaves of the nearby buildings or trees and hedgerows in the area.
15.	The development hereby permitted shall only be carried out in conformity with the proposed ground and building slab levels shown on the approved plans. Reason: To protect the appearance of the locality and in the interests of the amenities of local residents.