

APPLICATION REPORT – 17/00663/FUL

Validation Date: 5 July 2017

Ward: Wheelton And Withnell

Type of Application: Full Planning

Proposal: Erection of 4no. dwellings and construction of site access and associated infrastructure

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

Case Officer: Mr Iain Crossland

Applicant: Dr H Khan

Agent: Mr Rashid Mehmood

Consultation expiry: 27 July 2017

Decision due by: 30 August 2017

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, the Oak Tree public house and a 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 east and west of the site. The site is covered by ruderal vegetation including self-seeded trees and grasses, and is free of built structures.
3. There is no existing vehicular access to the site, although there is an existing pedestrian access to the site from Withnell Fold Old Road via a set of steps.
4. The site is in an area of mixed character with residential and commercial uses around the site with open spaces nearby. The properties on School Lane are predominately traditional buildings of local sandstone, although there are examples of red brick buildings also. Away from School Lane there are a variety of design styles and material finishes including red brick, brown brick and render.

DESCRIPTION OF PROPOSED DEVELOPMENT

5. This application seeks planning permission for the erection of four detached dwellinghouses, with associated residential curtilage and vehicular access to Withnell Fold Old Road. The dwellings would be of a simple modern design style, and would be laid out in a linear format facing onto Withnell Fold Old Road.

6. There would be a shared vehicular access from Withnell Fold Old Road providing vehicular access to the rear of the dwellings, where there would be driveway parking at plots 2 and 3 and three detached garages to serve plots 1, 2 and 4. Plot 1 would have an off road parking space with direct access to Withnell Fold Old Road. The stone wall adjacent to Withnell Fold Old Road would be retained and repaired.

REPRESENTATIONS

7. One letter has been received from Cllr Margaret France regarding parking provision and commenting that the allocation of the garages to the properties seems inappropriate - one house has 3 parking options, whilst another only 1.
Officer comment: The allocation of the garages has been revised so that all properties now have at least two off street car parking spaces.
8. Two letters have been received citing the following grounds of objection:
 - Impact on the character of the area
 - 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 subsidence

CONSULTATIONS

8. Withnell Parish Council: No comments have been received.
9. Waste & Contaminated Land: No objection subject to a condition requiring a report to identify any potential sources of contamination on the site and where appropriate, necessary remediation measures.
10. Lancashire Highway Services: No objection subject to appropriate conditions.
11. United Utilities: No comments have been received.

PLANNING CONSIDERATIONS

Principle of development

9. 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.
10. 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.
11. 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.

Impact on character and appearance of the locality

12. 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.

13. The proposed development comprises four dwellings to be located on land to the rear of 56 School Lane, Brinscall. The dwellings would be of a simple modern design style, and would be laid out in a linear format facing onto Withnell Fold Old Road. The dwellings would be sited at a higher level relative to the highway and would be set back with front garden areas. This arrangement would have a positive impact in terms of creating some form of active street frontage, and the setting back from the highway would prevent them from appearing overly imposing.
14. The density of the development would be low, particularly in the context of the area, and nearby dwellings are largely terraced. The capacity of the site is, however, limited by its topography and the proposed development would provide larger family sized homes, which would make a valuable contribution to the housing stock in Brinscall.
15. It is proposed that the dwellings would be faced in red brick with artstone detailing. Although the properties on School Lane are predominately traditional buildings of local sandstone, there are examples of red brick buildings also. In addition to this, there are a variety of building design styles and material finishes away from School Lane including more modern designs and the use of red brick, brown brick and render finishes. Indeed, it is noted that the existing dwellings to the north west of the site are of a modern design and are faced in brown brick. There is no particular design style along Withnell Fold Old Road itself and, therefore, the use of a modern design and red brick is considered to be acceptable in this instance, subject to a condition requiring details of the actual materials to be used to be approved. Furthermore, the dwellings would not be located in a prominent position within the settlement.
16. There is a stone retaining wall along the boundary of the site with Withnell Fold Old Road that includes a set of steps that provide access. This is the only feature of character at the site, and it is proposed that the wall and steps are repaired and retained within the development. This would help the development to retain the character that does exist and would help the development to blend into the streetscape.
17. There would be a shared vehicular access from Withnell Fold Old Road providing vehicular access to the rear of the dwellings, which is where the majority of the parking would be contained. This would be a sensible solution to parking provision, mitigating the potential clutter of parked vehicles in the street.

Impact on neighbour amenity

18. 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. In addition, there would be no windows to habitable rooms in the proposed dwellings that would face these properties, thereby avoiding any impact on privacy.
19. In relation to any potential impact on the outlook from 46 and 48 School Lane, the nearest proposed dwelling, plot 4, would be located approximately 7m from 48 School Lane at its nearest point. There is one window to a habitable room in this property facing the application site, however, this would not directly face the gable end of plot 4 given its setback from the highway. It is also noted that this is not the sole source of outlook to the room it serves.
20. The proposed dwelling at plot 4 would be located approximately 11m from 46 School Lane. There are windows to habitable rooms in this property facing the application site. Although the proposed dwelling at plot 4 would be visible from these windows, it is noted that the north facing windows in the ground floor of 46 School Lane already face a high stone retaining wall which already impacts on the outlook from this property. Given that there would be no loss of light or privacy, it is considered that the proximity of the proposed dwelling at plot 4 would not be so harmful to the level of residential amenity currently enjoyed by the occupiers of this property to warrant refusal of the planning application.
21. The proposed dwellings would be located approximately 14m, 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 than these properties and the proposed dwellings would be positioned at an angle to them, therefore, there would be no parallel facing windows. Given the difference in levels, the positioning and the degree of separation, it is considered that the proposed development would not result in any detrimental impact on light, outlook or privacy in relation to the dwellings at 18 to 23 Queensway.

Highway impact and access

22. Outline planning permission was granted earlier this year for the erection of 4no. dwellings on the site (16/00714/OUT). The application is a full application for the same number of dwellings, with a shared access in the same position. The Lancashire County Council (LCC) highway officer has no objection to the positioning of the access.
23. All four proposed dwellings would have 4no.bedrooms and, therefore, each require 3no. car parking spaces to be provided. While the standard requirement has been met for proposed plots 1 and 2, the parking requirement for plots 3 and 4 falls short by one space each. Overall, 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.
24. 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.
25. 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.

Public open space

26. In line with policy HS4 of the Chorley Local Plan 2012 – 2026, a contribution towards the provision or improvement of public open space (POS) would normally be required to address local needs. However, 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.

CIL

27. 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.

Other matters

28. Risk of potential subsidence: It is recommended that a condition is attached to any grant of planning permission requiring details of the actual ground conditions and any mitigation measures that are required in order to implement the development. Ultimately it is the responsibility of the developer to ensure the safe development and occupancy of the site.
29. 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.

CONCLUSION

30. There would be no unacceptable detrimental impact on appearance and character of the area or the amenity of neighbouring occupiers as a result of the proposed development. In addition, the development is located in a sustainable location and would not have an

unacceptable impact on 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:** 5/4/00794 **Decision:** PERFPP **Decision Date:** 2 May 1973
Description: 33 Old person flatlets
- Ref:** 92/00722/FUL **Decision:** PERFPP **Decision Date:** 7 December 1992
Description: Erection of agricultural building
- Ref:** 92/00721/FUL **Decision:** PERFPP **Decision Date:** 1 December 1992
Description: Erection of agricultural building
- Ref:** 82/00198/FUL **Decision:** PERFPP **Decision Date:** 25 May 1982
Description: 3 houses
- Ref:** 78/00851/FUL **Decision:** PERFPP **Decision Date:** 7 November 1978
Description: Conversion of one house into two
- Ref:** 14/00412/FUL **Decision:** WDN **Decision Date:** 3 July 2014
Description: Erection of 5 no. 2 bed affordable dwellinghouses
- Ref:** 16/00714/OUT **Decision:** PEROPP **Decision Date:** 20 January 2017
Description: Outline application for the erection of four dwellings and associated infrastructure (with all matters reserved)

Suggested Conditions

No.	Condition																											
1.	<p>The proposed development must be begun not later than three years from the date of this permission.</p> <p>Reason: Required to be imposed by Section 51 of the Planning and Compulsory Purchase Act 2004.</p>																											
2.	<p>The development shall be carried out in accordance with the following plans:</p> <table border="1"> <thead> <tr> <th>Title</th> <th>Drawing Reference</th> <th>Received date</th> </tr> </thead> <tbody> <tr> <td>Location plan</td> <td>N/A</td> <td>29 June 2017</td> </tr> <tr> <td>Proposed site plan</td> <td>N/A</td> <td>01 August 2017</td> </tr> <tr> <td>Proposed elevation from road</td> <td>N/A</td> <td>31 July 2017</td> </tr> <tr> <td>Proposed Floor plans & Elevations House 1</td> <td>N/A</td> <td>31 July 2017</td> </tr> <tr> <td>Proposed Floor plans & Elevations House 2</td> <td>N/A</td> <td>31 July 2017</td> </tr> <tr> <td>Proposed Floor plans & Elevations House 3</td> <td>N/A</td> <td>31 July 2017</td> </tr> <tr> <td>Proposed Floor plans & Elevations House 4</td> <td>N/A</td> <td>31 July 2017</td> </tr> <tr> <td>Proposed garage plan and elevations</td> <td>N/A</td> <td>01 August 2017</td> </tr> </tbody> </table>	Title	Drawing Reference	Received date	Location plan	N/A	29 June 2017	Proposed site plan	N/A	01 August 2017	Proposed elevation from road	N/A	31 July 2017	Proposed Floor plans & Elevations House 1	N/A	31 July 2017	Proposed Floor plans & Elevations House 2	N/A	31 July 2017	Proposed Floor plans & Elevations House 3	N/A	31 July 2017	Proposed Floor plans & Elevations House 4	N/A	31 July 2017	Proposed garage plan and elevations	N/A	01 August 2017
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	Reason: For the avoidance of doubt and in the interests of proper planning.
3.	<p>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:</p> <ul style="list-style-type: none"> • 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. • Assessment of existing retaining walls. • Investigation of surface water run-off from adjacent site. <p>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.</p> <p>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).</p>
4.	<p>The new estate road/access between the site and Withnell Fold Old Road shall be constructed in accordance with the Lancashire County Council Specification for Construction of Estate Roads to at least base course level before any development takes place within the site.</p> <p>Reason: To ensure that satisfactory access is provided to the site before the development hereby permitted becomes operative.</p>
5.	<p>Before the development hereby permitted becomes operative, the existing vegetation on the highway frontage of the site to Withnell Fold Old Road shall be reduced to and be permanently maintained henceforth at a height not greater than 1m above the crown level of the carriageway of the highway.</p> <p>Reason: To ensure adequate visibility for the drivers of vehicles entering and leaving the site.</p>
6.	<p>Before the use of the site hereby permitted is brought into operation and for the full period of construction, facilities shall be provided within the site by which means the wheels of vehicles may be cleaned before leaving the site.</p> <p>Reason: To avoid the possibility of the public highway being affected by the deposit of mud and/or loose materials thus creating a potential hazard to road users.</p>
7.	<p>A scheme for the landscaping of the development and its surroundings shall be submitted prior to the erection of the superstructures of the dwellings hereby approved. 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</p>

	<p>enclosure, minor artefacts and structures, including the appearance of any retaining 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.</p> <p>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.</p> <p>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.</p>
8.	<p>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.</p> <p>Reason: Nesting birds are a protected species.</p>
9.	<p>Notwithstanding the details shown on the submitted plans, the proposed car parking and turning areas shall be constructed using permeable materials on a permeable base, or provision shall be made to direct run-off water from the hard surface to a permeable or porous area or surface within the boundaries of the property (rather than to the highway), unless otherwise agreed to in writing by the Local Planning Authority.</p> <p>Reason: In the interests of highway safety and to prevent flooding.</p>
10.	<p>Prior to the erection of the superstructures of the dwellings hereby approved 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.</p> <p>Reason: To ensure that the materials used are visually appropriate to the locality.</p>
11.	<p>Prior to the erection of the superstructures of the dwellings hereby approved, full details of the alignment, height and appearance of all fences and walls and gates to be erected (notwithstanding any such detail shown on previously submitted plan(s)) shall have been submitted to and approved in writing by the Local Planning Authority. 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>
12.	<p>Before the development hereby permitted is first commenced, other than access and enabling works, 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</p>

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.