

APPLICATION REPORT – 18/00060/FUL

Validation Date: 30 January 2018

Ward: Heath Charnock And Rivington

Type of Application: Full Planning

Proposal: Demolition of existing farmhouse and outbuildings and erection of 6 no. detached houses, associated garages and access improvements

Location: Hole House Farm Chorley Road Heath Charnock Chorley PR6 9LD

Case Officer: Amy Aspinall

Applicant: Mr Gordon Seymour

Agent: Mr Bob Margerison

Consultation expiry: 29 March 2018

Decision due by: 27 March 2018

RECOMMENDATION

1. Approve subject to conditions and s106 legal agreement to secure financial contributions in relation to open space.

SITE DESCRIPTION

2. The application site site comprises 2no. residential dwellings and various outbuildings across the site. Vehicular access is gained via Chorley Road. Surrounding land uses are predominantly residential, however industrial premises exist to the east, with the site being bound to the north by the designated Green Belt. The site falls wholly within the settlement boundary of Adlington, as defined by the Chorley Local Plan Policies Map.

DESCRIPTION OF PROPOSED DEVELOPMENT

3. The application seeks full planning permission for the demolition of the existing dwellinghouses and outbuildings and the erection of 6no. detached dwellings. Plots 1 and 2 would be 4 bedroom properties, with plots 3-6 being 5 bedroomed. The proposed development also include alterations to the site access.

RELEVANT HISTORY OF THE SITE

5. Ref: 15/00556/OUT **Decision:** PEROPP **Decision Date:** 2 September 2015
Description: Outline application for the demolition of the existing farmhouse and outbuildings and the erection of 6no. houses, associated detached garages and access road (all matters reserved save for access and layout)

REPRESENTATIONS

6. At the time of report preparation 1no. neighbour objection has been received. This is summarised below:

Amenity:

- The distance between 33 Waterford Close and the proposed development is 21.5 metres, but 25 metres is required.
- Cannot assess impact on 33 Waterford Close as heights of plots 4 and 5 have not been provided, including boundary treatments – unsure if fence will be replaced
- Object to the loss of trees G27 close to the border with 33 Waterford Close due to separation distance of 21.5 metres, overbearing impact, loss of outlook, loss of privacy
- Loss of trees – detrimental impact on local area and countryside. No economic benefit. No additional garden space. Additional noise and disturbance to 33 Waterford Close.

Notification:

- No neighbour notification to 33 Waterford Close - only notified by site notice.

CONSULTATIONS

7. Lancashire County Council Highways – Has no objection to amended plans (Drawing Number 17/068/P01 rev. D). Various conditions and informatives are recommended.

8. Heath Charnock Parish Council - No comments have been received.

9. CIL - Development is subject to the CIL Charge for 'Dwelling Houses' as listed in Chorley Councils CIL Charging Schedule

10. Waste & Contaminated Land – Comment that due to sensitive end use and proximity to a former cotton mill, land contamination conditions are required.

11. Council's Tree Officer - States that the Arboricultural Impact Assessment, Method Statement and plans submitted accurately describe the location and condition of the trees on site; and that the removal of 1T, 2T, 3T, 4T, 5T and 6G is understandable as the trees are almost exclusively rooted in or very near to the wall. The Tree Officer does, however, advise that these trees combined have a relatively high value as a public amenity, screening the site from the road.

12. United Utilities – Have no objections subject to the development being carried out in accordance with the submitted Drainage Strategy

13. Greater Manchester Ecology Unit – Have no objection subject to conditions in relation to tree protection; the submission of a construction management plan to protect the small watercourse from harm; and restriction on the removal of vegetation during bird nesting season.

PLANNING CONSIDERATIONS

Principle of development

15. The principle of residential development for 6No dwellinghouses has already been established as being acceptable on this site under outline consent 15/00556/OUT. This also included means of access to the site and the layout.

16. The principle of the development is therefore acceptable, subject to other considerations which are assessed below.

Design

17. The proposed layout is similar to that approved under the outline planning permission (15/00556/OUT) albeit the arrangement of plots 3, 4 and 5 differs in that the current proposal has a linear arrangement fronting the internal road. This would provide a more attractive streetscene within the site. Plot 3 would be dual fronted, providing visual interest when viewed from Chorley Road and on the approach into the site.

18. Plots 1 and 2 would be two storeys in height, whereas the remaining plots would be part two storey / part three storeys of modern housing style. The immediate area is characterised by two

storey traditional terraced properties adjacent to the site, and more modern style housing at Waterford Close and Fairview Drive. Whilst the proposed development would contain three storey dwellings, they are set back from Chorley Road and would integrate with the levels changes across the site.

19. The alterations to the access would result in the demolition of part of the boundary wall to the front of the site; however the plans show that the remainder would be retained and would continue to provide an attractive frontage to Chorley Road.

20. The proposed development would result in an overall enhancement of the site and subject to appropriate materials and a suitable landscaping scheme; the proposal would be acceptable in design terms having regard to Chorley Local Plan policy BNE1 criterion (a) and (c).

Amenity

21. Chorley Local Plan policy BNE1 seeks to ensure, among other things, that development would not cause harm to any neighbouring property by virtue of overlooking, overshadowing or by creating overbearing impacts; and that proposals would not cause an unacceptable degree of noise and disturbance to surrounding land uses.

22. The principle of a small-scale housing development of 6no. dwellings has already been established on this site, and would be a compatible land use with its surroundings. Noise and disturbance has been raised in a neighbouring objection from 33 Waterford Close, however as the application proposes a small-scale residential use, any activity would be domestic in nature. As such, it is not considered that the proposed development would be harmful to neighbouring residential amenity be reason of noise and disturbance.

23. 1 Chorley Road is situated adjacent to the application site and the existing access points serving the rear of the terraced row and the existing Hole House Farm. The proposal would entail that the existing access is moved further away from 1 Chorley Road, and the access to the rear of this property would be unaffected. Plot 1 would be situated approximately 15 metres at its nearest point to the side elevation of 1 Chorley Road, and would be orientated at an angle thereby avoiding a direct relationship between principal windows. In addition, Plot 1 would be set at a lower ground level with the finished floor level illustrating a difference of over 2 metres. The relationship would be acceptable would avoid adverse impacts of overlooking and loss of privacy to the neighbouring property and future occupiers of Plot 1.

24. The proposed dwellinghouse of Plot 3 would be situated approximately 20 metres from 1 Chorley Road, with no direct relationships between principal windows and, therefore, no overlooking or loss of privacy impacts. The proposed garage of Plot 3 would be situated approximately 10 metres from 1 Chorley Road, and due to the single storey nature of the garage and the slightly lower finished floor level, the garage would not be overbearing or visually intrusive to this neighbouring property.

25. Plot 3 would also face the rear elevation of 36 Waterford Close and would have a separation of approximately 20 metres from first floor principal windows. To the rear, Plot 2 would be two storeys in height due to level changes, albeit three storeys to the front, Given the separation distances achieved and the lower levels afforded to plot 3, it is not considered that residential amenity of this neighbouring dwelling or future occupiers of Plot 3 would be adversely harmed, having regard to overlooking, loss of privacy or overbearing impacts.

26. Similar relationships would also exist for Plots 4 and 5 with properties 35 to 33 Waterford Close which are situated to the rear, with an interface distance of approximately 21 metres at first floor. The occupier of the neighbouring property, 33 Waterford Close, has raised an objection to the application due to the loss of trees to the boundary (group G27) and the separation distance to the proposed dwellings causing overbearing impact, loss of outlook and loss of privacy. Whilst Plots 4 and 5 are three storeys in height to the front, they are split level properties which are two storeys to the rear and would be set at a slightly lower level. In addition, the habitable windows are located in excess of 7 metres from the facing rear garden boundaries. Accordingly, the relationships between the existing and proposed dwellings are

considered to be acceptable and would not give rise to adverse impacts of overlooking, loss of privacy or overbearing effect.

27. The garage of Plot 6 is situated close to the boundary in proximity to 32 Waterford Close which would be an acceptable relationship given the low finished level of the application site and the single storey nature of the garage. There would be no directly facing windows between neighbouring principal windows and no overlooking or loss of privacy impacts.

28. The proposed dwellings would have sufficient garden areas to carry out every day domestic activities and the relationships between each dwellinghouse would be acceptable.

29. The proposal would not have an unacceptable impact on the residential amenity enjoyed by the occupiers of neighbouring properties and future occupiers of the development would have satisfactory levels of amenity, having regard to Chorley Local Plan policy BNE1 (b).

Highways

30. Revised plans have been submitted since the application was originally made in order to address the comments of LCC Highways in relation to a number of matters including alterations to the site access, provision of footways and the turning of refuse and service vehicles. LCC Highways are now satisfied with the proposal as shown on drawing number 17/068/P01 REV D and raise no objection subject to various conditions. Whilst a phasing / completion plan has been requested, it is not however considered necessary given the scale of the development.

31. Parking provision is provided with the domestic curtilage of each dwellinghouse and accords with the parking standards as set out in Appendix A of the Local Plan.

32. Works to the public highway to facilitate the proposed access and associated highways works would require a S278 agreement with LCC Highways Authority.

33. In the absence of an objection from LCC Highways, the proposed development is considered to be acceptable in highways safety terms and accords with Chorley Local Plan policy BNE1

Public right of way

34. A Public Right of Way (Footpath 71) Heath Charnock) runs through the site. The submitted plan shows the location of the proposed footpath diversion which follows the route of the internal road.

35. As this planning application would not grant consent for the footpath diversion, it is the responsibility of the Applicant to ensure that the footpath is diverted under the relevant legislation i.e. under section 257 of the Town and Country Planning Act 1990 or under Section 119 of the Highways Act 1980.

Ecology

36. The application is accompanied by ecological reports which have been assessed by Greater Manchester Ecological Unit. There are no objections on ecological grounds and, therefore, the proposed development is considered to be acceptable having regard to nature conservation interests. Conditions are recommended in relation to tree protection; a Construction Environmental Management Plan; and a restriction on vegetation removal during bird nesting season.

Trees

37. The application is accompanied by an Arboricultural Survey and Tree Protection Plan. A number of individual trees and groups are identified for removal in order to facilitate the development or due to the poor condition of the trees. The loss of trees has been raised in a

neighbouring objection for various reasons, including the impact on the local area and countryside.

38. It should be noted however that none of the trees are afforded protection under a Tree Preservation Order. The trees positioned in proximity to the boundary with Chorley Road are identified for removal, which includes 5no. individual trees and 1no. group; and these range from moderate value to poor condition. The Tree Officer advises that these particular trees in combination do have high value as public amenity; however their loss is understandable due to the trees being almost exclusively rooted in or very near to the wall. Given the position of these trees and the proposed siting of Plots 1 and 2, it is unlikely that the loss could be mitigated through replacement planting in the same location.

39. The group of trees (29G) proposed for removal in proximity to the boundary with 33 Waterford Close are assessed as being of low value and are identified as a Cypress Hedge. The removal is necessary in order to facilitate the development and due to the site level changes. They are not protected and the Tree Officer has raised no objection to their removal, as such it is not considered necessary to secure their retention for public amenity reasons.

40. A high number of trees are to be retained on site, albeit mainly along the eastern boundary, and these will continue to offer a level of public amenity and attractive backdrop to the development. Overall, it is not considered that the removal of the trees identified in the application would have harmful effect on the character of the local area or the setting of the site. Nonetheless, in the interests of biodiversity enhancement and to provide some form of mitigation to compensate the loss of trees, replacement planting would be secured by way of a suitable landscaping scheme. Having regard to the above, the proposal is considered to accord with Local Plan policies BNE1 and BNE10 in respect of trees.

Drainage and flood risk

41. Although the site is in proximity to an ordinary watercourse, Eller Brook, this is not defined as a main river. Due to the nature of the development i.e. not major development and not within flood zones 2 or 3 or over 1 hectare in size; the application falls outside the consultation criteria of the Lead Local Flood Authority (LLFA) and the Environment Agency. Accordingly, no comments have been received.

42. United Utilities have assessed the application and raise no objection and advise that the surface water drainage strategy is acceptable. As this is not a detailed drainage scheme, a condition would be applied for full details to be submitted. If the scheme involved the discharge of surface water into Eller Brook, consent would be required from the Lead Local Flood Authority as a separate matter.

Open space

43. Planning Practice Guidance states that planning obligations should not be sought from developments of 10 or less dwellings and which have a maximum combined floorspace of no more than 1,000 square metres. This proposal is for 6 dwellings however the combined gross floorspace exceeds 1,000 square metres and, therefore, contributions towards open space are required, as set out below:

44. Provision for children / young people:

Contribution of £134 per dwelling towards improvements to 1291.1 King George V Play Area which is identified in the Open Space Study as being low quality and/or low value.

45. Allotments:

Contribution of £15 per dwelling towards new allotment provision at the proposed new allotment site at Harrison Road, Adlington (HW5.3)

46. Playing Pitches

Contribution of £1,599 per dwelling towards the improvement of existing playing pitches.

47. No contributions are required in relation to Amenity Greenspace, Parks and Gardens, and Natural / Semi-Natural Greenspace.

48. Total financial contributions required:

Amenity greenspace	= £0
Equipped play area	= £804
Parks/Gardens	= £0
Natural/semi-natural	= £0
Allotments	= £90
Playing Pitches	= £9,594
Total	= £10,488

Other Matters

49. Publicity:

The application was publicised by way of site notice and neighbour notification letters. Whilst the neighbouring objection from 3 Waterford Close states that no notification letter was received, the Council's system identifies that the property was sent a letter. Nonetheless, the objection states that they were made aware of the development due to the site notice.

CIL

50. The development is CIL liable.

CONCLUSION

51. The proposed development is considered in the context of the presumption in favour of sustainable development and would result in an overall visual enhancement of the site in the streetscene. The proposed development accords with the relevant policies of the Development Plan and is recommended for approval accordingly, subject to conditions and a S106 legal agreement to secure the relevant financial contributions in relation to open space.

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:

Plan Ref	Received On
17/068/L01	19 January 2018
17/068/P04 REV A PLOTS 4 AND 5	19 January 2018
17/068/P02 REV A PLOTS 1 AND 2	26 February 2018
17/068/P01 REV E PROPOSED SITE L	26 March 2018
17/068/P03 REV B PLOT 3	26 March 2018
17/068/P05 REV B PLOT 6	26 March 2018

17/068/G01 REV A PROPOSED DOUBLE	26 March 2018
230713CP-01	19 January 2018

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

3. Prior to the commencement of development 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. No development shall be commenced, including any site works or demolition until a Construction Environmental Management Plan has been submitted to and approved in writing by the Local Planning Authority.

The plan shall include as a minimum:

- The method and details of demolition and construction, including vehicle routing to the site, construction traffic parking and any proposed temporary closing of roads or streets.
- No construction traffic or deliveries to enter/exit during traffic peak periods or to wait on the public highway.
- Measures to protect the watercourse from harm during demolition, site works and construction
- Hours of operation (including deliveries) during construction and demolition
- Loading and unloading of plant and materials wholly within the application site
- Storage of plant and materials used in constructing the development wholly within the application site
- Measures to control the emission of dust and dirt during construction

The Construction Environmental Management Plan shall be adhered to at all times during any site works, demolition and construction.

Reason: In the interests of highways safety to maintain the operation of local streets and through routes in the area during site works and construction, particularly during peak periods; and to protect the watercourse.

5. No development shall be commenced until a scheme for the construction of the site access and the off-site works of highway improvement including structural technical specification of the retaining wall has been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved scheme.

Reason: To secure detailed design of the highway scheme/works in the interests of highways safety.

6. No development shall be commenced until details of the proposed arrangements for future management and maintenance of the proposed streets within the development have been submitted to and approved by the local planning authority. The streets shall thereafter be maintained in accordance with the approved management and maintenance details until such time as an agreement has been entered into under section 38 of the Highways Act 1980 or a private management and Maintenance Company has been established.

Reason: To ensure that the estate streets are managed and maintained in the interests of highways safety.

7. No development shall be commenced until full engineering, drainage, street lighting and constructional details of the streets proposed for adoption have been submitted to and approved in writing by the Local Planning Authority. The development shall, thereafter, be constructed in accordance with the approved details, unless otherwise agreed in writing with the Local Planning Authority.

Reason: In the interests of highway safety; to ensure a satisfactory appearance to the highways infrastructure serving the approved development; and to safeguard the visual amenities of the locality and users of the highway.

8. The new estate road/access between the site and Chorley Road shall be constructed in accordance with the Lancashire County Council Specification for Construction of Estate Roads to at least base course level before the construction of the development hereby approved takes place within the site.

Reason: To ensure that satisfactory access is provided to the site before the development hereby permitted becomes operative.

9. Wheel wash facilities shall be provided on site and made available for use for the full duration of the construction of the development hereby

Reason: In the interests of highways safety to avoid the public highway being affected by the deposit of mud and/or loose materials thereby creating a potential hazard to road users.

10. No dwelling or dwellings shall be occupied until the estate street(s) affording access to those dwelling(s) has been completed in accordance with the Lancashire County Council Specification for Construction of Estate Roads and made available for use.

Reasons: To ensure that the estate streets serving the development are completed and maintained to the approved standard, and are available for use by the occupants, and other users of the development, in the interest of highway safety; to ensure a satisfactory appearance to the highways infrastructure serving the approved development; and to safeguard the visual amenities of the locality and users of the highway.

11. All new dwellings are required to achieve a minimum Dwelling Emission Rate of 19% above 2013 Building Regulations.

Reason: Policy 27 of the Adopted Central Lancashire Core Strategy requires new dwellings to be built to Code for Sustainable Homes Level 4 however following the Deregulation Bill 2015 receiving Royal Assent it is no longer possible to set conditions with requirements above a Code Level 4 equivalent. However as Policy 27 is an adopted Policy it is still possible to secure energy efficiency reduction as part of new residential schemes in the interests of minimising the environmental impact of the development.

12. Prior to the commencement of the development details shall be submitted to and approved in writing by the Local Planning Authority demonstrating that each dwelling will meet the required Dwelling Emission Rate. The development thereafter shall be completed in accordance with the approved details.

Reason: Policy 27 of the Adopted Central Lancashire Core Strategy requires new dwellings to be built to Code for Sustainable Homes Level 4 however following the Deregulation Bill 2015 receiving Royal Assent it is no longer possible to set conditions with requirements above a Code Level 4 equivalent. However as Policy 27 is an adopted Policy it is still possible to secure energy efficiency reductions as part of new residential schemes in the interests of minimising the environmental impact of the development. This needs to be provided prior to the commencement so it can be assured that the design meets the required dwelling emission rate.

13. No dwelling hereby approved shall be occupied until a SAP assessment (Standard Assessment Procedure), or other alternative proof of compliance (which has been previously agreed in writing by the Local Planning Authority) such as an Energy Performance Certificate, has been submitted to and approved in writing by the Local Planning Authority demonstrating that the dwelling has achieved the required Dwelling Emission Rate.

Reason: Policy 27 of the Adopted Central Lancashire Core Strategy requires new dwellings to be built to Code for Sustainable Homes Level 4 however following the Deregulation Bill 2015 receiving Royal Assent it is no longer possible to set conditions with requirements above a Code

Level 4 equivalent. However as Policy 27 is an adopted Policy it is still possible to secure energy efficiency reductions as part of new residential schemes in the interests of minimising the environmental impact of the development.

14. No tree/vegetation removal shall be undertaken during the bird nesting season (March to July inclusive) unless a survey for nesting birds has been first undertaken, submitted to and approved in writing by the Local Planning Authority which demonstrates the absence of nesting birds.

Reason: To ensure the protection of any birds which may be nesting within trees/ vegetation which will be felled/ removed as part of the proposals.

15. The development hereby permitted shall only be carried out in conformity with the proposed ground and building slab levels shown on the approved plan(s) or as may otherwise be agreed in writing with the Local Planning Authority before any development is first commenced.

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

16. Prior to the commencement of development full details of the colour, form and texture of all hard landscaping (ground surfacing materials) (notwithstanding any such detail shown on previously submitted plans and specification) shall have been submitted to and approved in writing by the Local Planning Authority. All works shall be undertaken strictly in accordance with the details as approved, and shall be completed in all respects before the final completion of the development and thereafter retained.

Reason: To ensure a satisfactory form of development in the interest of the visual amenity of the area.

17. Surface water must drain separate from the foul and no surface water will be permitted to discharge to the foul sewerage system.

Reason: To secure proper drainage.

18. No development shall take place until a scheme for the provision and implementation of a surface water regulation system has been submitted to and approved in writing by the Local Planning Authority. No part of the development shall be occupied until the scheme has been implemented in accordance with the approved plans.

Reason: To secure proper drainage and to prevent flooding.

19. Due to past processes/activities at this site (former site use), there is a potential for ground contamination. Therefore the development hereby permitted shall not commence until the applicant has submitted to and had approved in writing by the Local Planning Authority a report to identify any potential sources of contamination on the site and where appropriate, necessary remediation measures.

The report should include an initial desk study, site walkover and preliminary risk assessment and if the initial study identifies the potential for contamination to exist on site, the scope of a further study must then be agreed in writing with Local Planning Authority and thereafter undertaken and shall include details of the necessary remediation measures.

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

Reason: To protect the environment and prevent harm to human health by ensuring that the land is remediated to an appropriate standard for the proposed end use.

20. Before the development hereby permitted is first commenced, full details of the alignment, height and appearance of all fences and walls (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.

Reason: To ensure a visually satisfactory form of development and to provide reasonable standards of privacy to residents.