

APPLICATION REPORT – 16/00575/OUT

Validation Date: 24 June 2016

Ward: Wheelton And Withnell

Type of Application: Outline Planning

Proposal: Outline application for the erection of 8 dwellings (with all matters reserved save for access and layout)

Location: Land To The Rear Of 378 - 386 Blackburn Road Higher Wheelton

Case Officer: Mr Iain Crossland

Applicant: PSM Development Ltd.

Agent: Mr Christie McDonald

Consultation expiry: 11 July 2018

Decision due by: 19 August 2016

RECOMMENDATION

1. It is recommended that outline planning permission is granted subject to conditions and a section 106 legal agreement to secure three affordable dwellings on site.

SITE DESCRIPTION

2. The application site comprises an open area of grassland to the rear of dwellings facing Blackburn Road in Higher Wheelton and is located within the settlement area. There is open agricultural land to the south of the site with the existing dwellings to the north.
3. The size measures approximately 0.2Ha in area. The topography of the site slopes down from south to north towards properties on Blackburn Road. It is noted that there is a small watercourse to the south of the site, within the site boundary.
4. The character of the area is that of a rural village. There is no set pattern to the design of properties in the locality with varying architectural styles and house types in close proximity to the site.
5. Outline planning permission has previously been granted for two dwellings to the north of the application site fronting Blackburn Road (Application Number: 14/00601/OUT), and this application seeks to use the approved access and would not impact on the previously approved outline planning permission.

DESCRIPTION OF PROPOSED DEVELOPMENT

6. This application seeks outline planning permission for up to 8 dwellings with all matters reserved for subsequent approval aside from access and layout. The dwellings would be set

out in two terraces with a single estate road providing access to Blackburn Road, effectively resulting in a cul-de-sac. The layout plan drawing indicates that plot 8 would be a bungalow.

7. This application was originally submitted for 9 dwellings but the layout has been subsequently revised in response to site constraints resulting in a proposed scheme of 8 dwellings.

REPRESENTATIONS

8. Representations in objection to the proposed development have been received from the occupiers of 10 addresses. These raise the following issues:
 - Impact on highway safety due to proximity of access junctions and number of cars using the access
 - Lack of parking
 - Loss of current parking on Blackburn Rd for future residents
 - Loss of light to nearby dwellings
 - Impact on outlook and privacy.
 - Flood risk from surface water run off
 - Impact on trees particularly during development
 - Impact on route of high voltage electric cables
 - Loss of views
 - Request a member site visit

CONSULTATIONS

9. **Lancashire Highway Services:** have no highway objections to the proposed development in principle.
10. **United Utilities:** No objection.
11. **Lead Local Flood Authority:** No objection subject to the inclusion of a condition to require a detailed surface water drainage scheme.
12. **Greater Manchester Ecology Unit:** No objection.
13. **Wheelton Parish Council:** Object to the application on the following grounds:
 1. Access, as building that number of homes would mean potentially 27 cars and there doesn't appear the space to park them all and for access/egress.
 2. Loss of parking to residents in the nearby lay-by causing extra parking. The loss of the lay by would be detrimental to the other residents in terms of parking, in a section of busy road that already struggles with parking.
 3. A subsidiary junction so close to the Bett Lane and Jenny Lane junctions would be disruptive to the traffic flow at busy periods, which is already a problem on that road - and particularly so at that section where the shop, Jenny lane, Lawton Close and Bett Lane all join the main road in a tight narrow section.
 4. The density of the development would have an impact on the character of the village - not in keeping with the local area.

PLANNING CONSIDERATIONS

Principle of development

14. The application site forms part of land designated by Local Plan Policy V2 as within the Settlement Area of Higher Wheelton. Within these areas there is a presumption in favour of appropriate sustainable development, subject to material planning considerations and compliance with other Development Plan policies.

15. Higher Wheelton is not specified as an area for growth within Core Strategy Policy 1 and falls to be considered as an 'other place'. Criterion (f) of Core Strategy Policy 1 reads as follows:
"In other places – smaller villages, substantially built up frontages and Major Developed Sites – development will typically be small scale and limited to appropriate infilling, conversion of buildings and proposals to meet local need, unless there are exceptional reasons for larger scale redevelopment schemes."
16. One of the core principles of the National Planning Policy Framework is that development should be focussed in locations that are sustainable. It is considered that the site is located in a relatively sustainable location with some access to public transport, some limited local amenities such as a local shop and public house and schools in nearby villages and the means to access other amenities easily. The Framework also states that development in sustainable locations should be approved without delay. This presumption in favour of sustainable development is reflected in policy V2 of the Local Plan.
17. It is considered that Higher Wheelton can be classified as a 'smaller village'. It is also considered that the proposed development of eight dwellings is small scale. Eight dwellings would be an appropriate amount of development, within the settlement boundary of a village of this size. The proposed dwellings would be smaller properties aimed at first time buyers, which would meet a need in this area.
18. It is considered that the 'principle' of the proposed dwellings is acceptable in compliance with Local Plan Policy V2 and Core Strategy Policy 1 and the Framework.

Impact on character and appearance of locality

19. The application seeks outline planning permission with all matters reserved save for access and layout. Therefore, no details of how the proposed dwellings would look or their scale have been provided. The layout plan illustrates that the site would be split into two rows of properties. These would be sited perpendicular to Blackburn Road so that on entering the site from Blackburn Road the gable end of plot 1 would form a focal point. This would require careful consideration at reserved matters stage in terms of the detailing to this gable to create suitable feature of interest in this prominent position.
20. The frontages of plots 5 to 8 would be viewed as the estate road progresses into the site, which would present an appropriate sense of arrival. There would be a courtyard parking arrangement between the two rows of dwellings, which would help to retain a sense of openness to the site, whilst making use of the views of open countryside beyond. The proposed development would incorporate rear gardens of adequate size. It is noted that there is a gap between the development and southern boundary to accommodate the watercourse, in order to satisfy the requirements of the Lead Local Flood Authority.
21. From the information submitted with the application it is evident that the applicant's intention is to develop 7 two/three bedroomed houses and a bungalow. The prevailing dwelling types within the vicinity of the application site are small cottages, although there are also examples of detached properties and bungalows. There are a range of curtilage sizes and density varies across the village. The proposed layout presents a scheme with a density that is commensurate with the mixed character of the village.
22. The site is not a prominent one as it cannot be easily viewed from public land. It is considered that the proposed development can assimilate within the layout of the village without causing any harm to its character, and is one of only a limited number of opportunities to develop within the village.
23. Therefore, whilst no details have been provided in respect to appearance, scale and landscaping of the development it is considered that eight dwellings could be accommodated on the application site without causing harm to the character and appearance of the locality. The development therefore complies with the Chorley Local Plan Policy BNE1.

Neighbour amenity

24. Policy BNE1 of the Chorley Local Plan 2012-2026 states that new development must not cause harm to any neighbouring property by virtue of overlooking, overshadowing, or by creating an overbearing impact.
25. The layout plan shows that the dwelling at plot 8, which would be a bungalow, would be located approximately 10m from the dwelling at 378 Blackburn Road and approximately 3.5m from a dwelling that was recently converted from a garage at 378 Blackburn Road, and appears as an annexe. The proposed dwellings would be located to the south of these properties and the application site is located at a higher level to the dwellings at 378 Blackburn Road.
26. The annexe has a window to a habitable room in the south facing elevation. It is noted that there is a 1.8m high fence in an elevated position on the higher land level between the application site and dwellings at 378 Blackburn Road, which forms an imposing barrier impeding direct light to this window and has a significant impact on outlook. The existing impact is such that the proposed development, with the inclusion of a bungalow at plot 8, would have only a marginal impact over and above that which already exists in terms of light and outlook to this window.
27. The proposed dwelling at plot 8 would be positioned so that it would not be parallel with any windows at 378 Blackburn Road. Although there would be some impact on light levels during the mornings to this property the impact would not be so great that this would warrant refusal of the application. The impact on outlook would be limited, given that the proposed dwellings are in an offset position and not parallel with 378 Blackburn Road.
28. The rear garden to plot 8 would be located approximately 10m from the rear of 378 Blackburn Road. Given the change in levels and this separation there would be no unacceptable impact on the privacy of future occupiers using the garden at plot 8.
29. With regards to the impact on other existing dwellings it is considered that the proposed layout complies with the Council's interface standards and would not result in any unacceptable detrimental impact on the amenity of neighbouring occupiers. The relationship between the proposed properties themselves would also comply with the Council's interface standards and would not result in any unacceptable detrimental impact on the amenity of any future occupiers.
30. It is noted that the proposed layout has been amended in response to concerns about the impact on neighbour amenity and a bungalow has been introduced to address concerns in relation to 378 Blackburn Road. On the basis of the final amended layout the proposed development is considered to be acceptable.

Impact on highway safety/access

31. The proposed development is for 8 dwellings and would utilise the same access previously approved under planning permission 14/00601/OUT which was for development of 2 dwellings.
32. The traffic to be generated by the 10 new dwellings would add onto the flows on the A674 Blackburn Road and the surrounding highway network, however, LCC Highways consider that the impact due to these additional trips would be minimal. Visibility at the access in both directions is good and this section of Blackburn Road has no identifiable highway safety issues.
33. It is noted that residents and members of the public have concerns about the proximity of the access to Bett Lane, loss of on-street parking spaces and increased traffic flows on Blackburn Road. As regards the access being in close proximity to Bett Lane, LCC Highways state that in the past, guidance on how far one junction should be from the other was often based on the stopping sight distance for 85th percentile speeds of the road. However, as current practice uses comparatively shorter stopping sight distances, the gap between two junctions on the same side of a road has correspondingly reduced. There is

also little evidence that spacing criteria based on stopping sight distance are justified on highway safety grounds. Therefore, the need for and provision of additional junctions on existing highways is assessed in the round, taking into account of a wide range of factors such as the need for access at particular locations, its impact, whether it would lead to traffic delays, whether a vehicle waiting at one junction to join the main road (in this case Blackburn Road) would interfere with visibility for a vehicle waiting at another, etc.

34. With regards to the loss of parking space at the section of layby frontage to the site, LCC Highways have stated that it should be noted that the layby is not a designated parking space provided for residents and the public. The layby incidentally came about when the section of carriageway between Bett Lane and Brown House Lane was realigned. The entire length of the layby therefore has no existing traffic regulation order designating it an area for parking. Therefore, although the proposed access would take up part of the layby currently used for parking, highway objection to the proposed development on the basis of loss of a section of the layby would be unsustainable. Reference is also made to the recent loss of spaces at the Golden Lion Public House, however, this is a private property and the loss of parking spaces within its premises does not make it obligatory upon the Highway Authority to provide alternative parking as replacement.
35. The proposed layout plan identifies 16 car parking spaces, which equates to 2 spaces per dwelling. Given that the proposed development would result in 2 and 3 bedroomed dwellings this would ensure that the proposals comply with the Council's parking standard set out at policy ST4.
36. It is noted that LCC Highways have no objection to the proposed development subject to the imposition of conditions and, therefore, the proposed development is considered to be acceptable in highway terms.

Flood risk and water resources

37. The entire site is located within Flood Zone 1 on the Environment Agency's Flood Map, indicating a low risk of flooding from fluvial and tidal sources. The site is shown to be located outside of the extreme 0.1% annual probability flood extent. There is an established watercourse to the rear of the site and the western edge of this watercourse is susceptible to surface water flooding. Whilst the site itself is not currently affected by this there are some neighbouring properties that are. Initially the applicant did not provide any information as to how surface water drainage is to be managed. Given that any increase in surface water run-off may have an adverse effect and that development is proposed within 8 metres of an open watercourse the Lead Local Flood Authority (LLFA) objected to the proposed development.
38. The applicant subsequently amended the scheme and commissioned a drainage strategy and assessment of flood risk to be carried out in consideration of the proposed development.
39. The watercourse was found to be a tributary of another lower stream, which flows to the north beyond the western extremity of the site, and the bed level of this watercourse is approximately 3 metres below the nearest proposed floor slab at the north-west corner of the development. As such the residual risk of flooding to the dwellings from these watercourses is considered to be very low, and the site is considered to be at negligible risk from flooding.
40. Following a series of permeability tests it was considered that soakaways do not present a viable overall solution for the drainage of surface water from the site, due to the presence of low permeability clay soil. Nevertheless, given the depth of topsoil over the clay layer, some localized hard standing such as patios, paths could be laid to falls onto landscaped or garden areas, and private drives constructed with porous paving/surfacing, thereby reducing the impermeable areas contributing to the surface water drainage system.
41. The drainage strategy sets out that all rainfall from domestic roof areas, along with run-off from the new adoptable roads and footpaths on the site would be drained to a new surface

water sewerage network laid within the site and discharging to the existing drainage ditch that runs along the southern and western site boundaries. This system would incorporate attenuation via an on-line underground cellular attenuation tank and a "Hydrobrake" or equivalent flow control chamber sited prior to the point of discharge in the south-west corner of the site, designed to limit the peak surface water run-off into the ditch to a maximum of 5 litres per second during a 1 in 100 year storm event, including an appropriate allowance for climate change. This would be similar to the current green field run off rate at this site.

42. The LLFA agrees with the proposed run-off rate of 5 l/s and drainage strategy proposed. The LLFA has, therefore, withdrawn its objection to the proposed development subject to the inclusion of a condition requiring a fully detailed surface water drainage scheme to be submitted with any reserved matters application and prior to the commencement of development.

Impact on trees

43. There are trees protected by Tree Preservation Orders to the front of the site adjacent to Blackburn Road. A vehicular access to the site has already been approved through application ref. 14/00601/OUT, and access to the proposed scheme would be taken from this previously approved access. Although the access passes through the root protection zone of the trees this was considered acceptable on the basis of a 'no-dig' construction technique and installation load bearing support system over the surface in accordance with BS 5837 (2012) and that this should be the first operation to take place following erection of protective tree fencing. This was secured by condition. Other necessary works to the trees were also considered to be acceptable at that time.

44. There are two mature trees within the site to the east and west extremities. The proposed layout plan demonstrates that these can be retained without harm to the route protection areas.

Affordable housing

45. Policy 7 of the Core Strategy relates to affordable housing and this site would require 35% on-site affordable housing as the site is located within a rural location, which equates to 3 dwellings. The Central Lancashire Affordable Housing SPD includes guidance on the range of approaches, standards and mechanisms required to deliver a range of affordable housing to meet local needs. Registered providers have confirmed an interest in taking 3 units on this site, therefore, it is considered that the onsite provision of 3 affordable dwellings is justified and should be secured via a Section 106 Agreement.

Public open space (POS)

46. 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.
47. The Council has agreed to only seek contributions towards provision for children/young people on developments of 10 dwellings or less. There is a surplus of provision of this typology in the ward and, therefore, a contribution towards new provision is not required. There are no sites within the accessibility catchment (800m) of this site that need improving, therefore, a contribution towards improvements is also not required.

Community Infrastructure Levy

48. 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.

Sustainability

49. Policy 27 of the Core Strategy requires all new dwellings to be constructed to Level 4 of the Code for Sustainable Homes or Level 6 if they are commenced from 1st January 2016. It also requires sites of five or more dwellings to have either additional building fabric

insulation measures or reduce the carbon dioxide emissions of predicted energy use by at least 15% through decentralised, renewable or low carbon energy sources. The 2015 Deregulation Bill received Royal Assent on Thursday 26th March 2015, which effectively removes Code for Sustainable Homes. The Bill does include transitional provisions which include:

“For the specific issue of energy performance, local planning authorities will continue to be able to set and apply policies in their Local Plans which require compliance with energy performance standards that exceed the energy requirements of Building Regulations until commencement of amendments to the Planning and Energy Act 2008 in the Deregulation Bill 2015. This is expected to happen alongside the introduction of zero carbon homes policy in late 2016. The government has stated that, from then, the energy performance requirements in Building Regulations will be set at a level equivalent to the (outgoing) Code for Sustainable Homes Level 4. Until the amendment is commenced, we would expect local planning authorities to take this statement of the government’s intention into account in applying existing policies and not set conditions with requirements above a Code Level 4 equivalent.”

“Where there is an existing plan policy which references the Code for Sustainable Homes, authorities may continue to apply a requirement for a water efficiency standard equivalent to the new national technical standard, or in the case of energy a standard consistent with the policy set out in the earlier paragraph in this statement, concerning energy performance.”

50. Given this change, instead of meeting the code level the dwellings should achieve a minimum Dwelling Emission Rate of 19% above 2013 Building Regulations in accordance with the above provisions. This can be controlled by a condition.

Other matters

51. Impact on route of high voltage electric cables: This is not a planning matter and is for the developer to address with Electricity North West.

52. Loss of views: This is not a material planning consideration.

53. Request a member site visit: This is a matter for Members to consider.

CONCLUSION

54. It is considered that the proposal would have no detrimental impact character of the area and accords with the aims of policies within the Framework and Chorley Local Plan that seek to achieve sustainable development. It is also considered that the proposal would not give rise to undue harm to the amenities of neighbouring residents or highway safety.

RELEVANT HISTORY OF THE SITE

Ref: 14/00601/OUT **Decision:** PERFPP **Decision Date:** 27 March 2015
Description: Outline application (all matters reserved apart from access and layout) for two residential dwellings

Ref: 18/00240/REM **Decision:** PCO **Decision Date:** Pending
Description: Reserved matters application pursuant to outline planning permission 14/00601/OUT (Outline application (all matters reserved apart from access and layout) for two residential dwellings). Details of appearance, scale and landscaping to be considered.

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

To follow