

APPLICATION REPORT – 18/00847/FUL

Validation Date: 6 September 2018

Ward: Wheelton And Withnell

Type of Application: Full Planning

Proposal: Erection of 4no. dwellings

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

Case Officer: Mr Iain Crossland

Applicant: Mr Ahmed Habib

Agent: Mr Saghir Hussain

Consultation expiry: 5 October 2018

Decision due by: 1 November 2018

RECOMMENDATION

1. It is recommended that the planning 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 within the settlement area of the village. It 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.
5. It is noted that planning permission has been granted on two previous occasions for four dwellings on the site (refs. 16/00714/OUT and 17/00663/FUL), neither of which have been implemented, although both remain extant.

DESCRIPTION OF PROPOSED DEVELOPMENT

6. This application again seeks planning permission for the erection of four detached dwellings. The dwellings would be split level in response to the site levels and would be of a modern design. Each dwelling would have individual vehicular access to Withnell Fold Old Road.

The stone wall adjacent to Withnell Fold Old Road would be removed and replaced with a new stone wall.

REPRESENTATIONS

7. Representations in objection have been received from the occupiers of 7 addresses. These raise the following issues:
- Impact on the character of the area.
 - Impact on highway
 - Loss of parking on Withnell Fold Old Road.
 - Impact on highway capacity during construction.
 - Too many large properties not enough small ones.
 - Impact on privacy, outlook and light to properties at Queensway.
 - Impact on future residents from noise generated by the public house.
 - Risk of subsidence.
 - The Council should consider allotments for the site.
 - Why was the originally approved development not progressed?

CONSULTATIONS

8. Withnell Parish Council: No comments have been received.
9. Waste & Contaminated Land: No objection subject to a condition.
10. Lancashire Highway Services: No objection subject to conditions.
11. United Utilities: No objection subject to a condition.

PLANNING CONSIDERATIONS

Principle of development

12. 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.
13. 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.
14. 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.
15. The acceptability of the principle of residential development on this site has been established through the grant of two previous planning permissions, which remain extant.

Impact on character and appearance of the locality

16. 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.

17. The proposed development comprises four split level detached 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 and driveways. This arrangement would have a positive impact in terms of creating an active street frontage, and the setting back from the highway would prevent the proposed dwellings from appearing overly imposing.
18. The density of the development would be low, particularly in the context of the area, as 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.
19. It is proposed that the dwellings would be faced in stone and red or buff brick with some timber cladding. They would also include small balconies in order to take advantage of the raised and open aspect. 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 or buff 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.
20. There is a stone retaining wall along the boundary of the site with Withnell Fold Old Road. This is the only feature of character at the site, and although it is proposed to remove the existing stone wall, to facilitate the development, it would be replaced with a new stone wall and a wider footpath to Withnell Fold Old Road. This would help the development to reflect some of the character that does exist and would help the development to blend into the streetscape.

Impact on neighbour amenity

21. 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.
22. In relation to any potential impact on the outlook from 46 and 48 School Lane, the nearest proposed dwelling, plot 1, would not be directly visible from 48 School Lane as it would be set back from this dwelling. The proposed dwelling at plot 1 would be located approximately 10m 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.
23. There are existing dwellings at 17 to 23 Queensway located to the north west boundary of the site and at a higher level relative to the application site. The proposed dwellings would be positioned at an angle to these properties, therefore, there would be no parallel facing windows. Although there would be windows facing the rear garden areas at 18 to 23 Queensway these would be positioned at a lower level to the boundary fence and would have an adequate degree of separation, such that there would be no unacceptable impact on privacy. It is noted that there would be no windows in the rear facing first floor elevation to plot 4.

24. There is a change in levels through the site such that plots 3 and 4 would be sited at a higher level than plots 1 and 2 and would, therefore, be more visible from dwellings at 19 to 21 Queensway by virtue of their proximity and height. The corner of plot 4 would be located approximately 8m from 21 Queensway at its nearest point, however, the proposed dwellings would be located at a lower level and their elevations would be angled away from the dwellings at Queensway. As such there would be no unacceptable impact on outlook. There would be some impact on light to the dwellings at 19 to 21 Queensway during the mornings as a result of the proposed development, however, the impact would not be significant as light levels would remain similar to the present situation from midday onwards.
25. Given the difference in levels, the relative positioning and the degree of separation, it is considered that the proposed development would not result in an unacceptably detrimental impact on light, outlook or privacy in relation to the dwellings at 17 to 23 Queensway.

Highway safety

26. Planning permission was granted in 2017 on two occasions for the erection of four dwellings on the site. With each application the access was proposed via a single access drive to serve all four dwellings. The proposed development would involve the creation of direct accesses to Withnell Fold Old Road from each dwelling, along with curtilage parking provisions for the individual dwellings and an off-site work of footway widening to 2.0m along the site frontage. LCC Highways consider that this would be acceptable and raise no objection.
27. All four proposed dwellings would have 3no. bedrooms and would provide 3no. off street car parking spaces, which meets with the Council's adopted parking standards. In addition the location is a sustainable one being close to shops, amenities and schools.
28. 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. In addition planning permission for four dwellings on this site has now been granted on two previous occasions.
29. 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. Given the narrow width of the highway at Withnell Fold Old Road it is recommended that a construction method statement is required by condition.

Public open space

30. 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 be required to address local needs. The Council's agreed approach is to only seek contributions towards provision for children/young people on developments of 10 dwellings or fewer. 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

31. 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

32. 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.
33. Reduced parking opportunities on Withnell Fold Old Road due to creation of access:

It is noted that any proposed access points onto 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.

34. Impact on future residents from noise generated by the public house: It is considered that the noise impacts already exist in relation to existing residents and that the proposed development would be at no greater impact from noise from the public house.
35. The Council should consider allotments for the site: No allotments have been proposed.
36. Why was the originally approved development not progressed? It is not known why the previously approved application was not progressed. This is not within the control of the Local Planning Authority.

CONCLUSION

37. There would be no unacceptable detrimental impact on the 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 HISTORY OF THE SITE

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)

Ref: 17/00663/FUL **Decision:** PERFPP **Decision Date:** 16 August 2017
Description: Erection of 4no. dwellings and construction of site access and associated infrastructure

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

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>A1164(01)AP001</td> <td>06 September 2018</td> </tr> <tr> <td>Proposed site plan</td> <td>A1164(02)AP001 Rev.E</td> <td>11 October 2018</td> </tr> </tbody> </table>	Title	Drawing Reference	Received date	Location plan	A1164(01)AP001	06 September 2018	Proposed site plan	A1164(02)AP001 Rev.E	11 October 2018
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Proposed site plan	A1164(02)AP001 Rev.E	11 October 2018								

	Proposed boundary walls treatment plan	A1164(02)AP006 Rev.D	11 October 2018
	Proposed street elevations (levels)	A1164(02)AP003 Rev.D	11 October 2018
	Proposed bin store	A1164(02)AP008	11 October 2018
	Proposed Plans Type A PLOT 1 & 2 - V2	A1164(03)AP001 Rev.D	06 September 2018
	Proposed Elevations Type A PLOT 1 & 2 - V2	A1164(03)AP002 Rev.C	06 September 2018
	Proposed Plans Type B PLOT 3 & 4 - V2	A1164(04)AP001 Rev.E	11 October 2018
	Proposed Elevations Type B PLOT 3 & 4 - V2	A1164(04)AP002 Rev.D	11 October 2018
	Proposed Plans Type B PLOT 3 & 4 - V2	A1164(04)AP001 Rev.G	18 October 2018
	Proposed Elevations Type B PLOT 3 & 4 - V2	A1164(04)AP002 Rev.F	18 October 2018
	<i>Reason: For the avoidance of doubt and in the interests of proper planning.</i>		
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><i>Reason: 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).</i></p>		
4.	<p>No part of the development hereby approved shall commence until a scheme for the construction of the site access and the off-site works of highway improvement has been submitted to and approved by the Local Planning Authority in consultation with the Highway Authority.</p> <p><i>Reason: In order to satisfy the Local Planning Authority and Highway Authority that the final details of the highway scheme/works are acceptable before work commences on site.</i></p>		
5.	<p>No part of the development hereby approved shall be occupied until the approved scheme the construction of the site access and the off-site works of highway improvement has been constructed and completed in accordance with the scheme</p>		

	<p>details.</p> <p><i>Reason: In order that the traffic generated by the development does not exacerbate unsatisfactory highway conditions in advance of the completion of the highway scheme/works.</i></p>
6.	<p>No development shall take place, including any works of demolition, until a Construction Method Statement has been submitted to, and approved in writing by, the local planning authority. The approved Statement shall be adhered to throughout the construction period. The Statement shall provide for:</p> <ol style="list-style-type: none"> i. the parking of vehicles of site operatives and visitors ii. hours of operation (including deliveries) during construction iii. loading and unloading of plant and materials iv. storage of plant and materials used in constructing the development v. the erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate vi. wheel washing facilities vii. measures to control the emission of dust and dirt during construction viii. a scheme for recycling/disposing of waste resulting from demolition and construction works <p><i>Reason: in the interests of highway safety and to protect the amenities of the nearby residents.</i></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 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><i>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.</i></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><i>Reason: Nesting birds are a protected species.</i></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</p>

	<p>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><i>Reason: In the interests of highway safety and to prevent flooding.</i></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><i>Reason: To ensure that the materials used are visually appropriate to the locality.</i></p>
11.	<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><i>Reason: To ensure a visually satisfactory form of development and to provide reasonable standards of privacy to residents.</i></p>
12.	<p>Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking or re-enacting that Order, with or without modification), no windows other than those expressly authorised by this permission shall be inserted or constructed at any time in the rear elevation of the dwelling at plot 4 hereby permitted.</p> <p><i>Reason: To protect the amenities and privacy of the adjoining property.</i></p>
13.	<p>The dwelling at plot 4 hereby approved shall be carried out in accordance with Drawing Numbers A1164(04)AP002 Rev.F and A1164(04)AP001 Rev.G received on 18th October 2018.</p> <p><i>Reason: For the avoidance of doubt and in the interests of proper planning.</i></p>
14.	<p>Prior to the commencement of any development, a surface water drainage scheme, based on the hierarchy of drainage options in the National Planning Practice Guidance with evidence of an assessment of the site conditions shall be submitted to and approved in writing by the Local Planning Authority. The surface water drainage scheme must be in accordance with the Non-Statutory Technical Standards for Sustainable Drainage Systems (March 2015) or any subsequent replacement national standards. In the event of surface water draining to the public surface water sewer, the pass forward flow rate to the public sewer must be restricted to 6.5 l/s.</p> <p><i>Reason: To promote sustainable development, secure proper drainage and to manage the risk of flooding and pollution. This condition is imposed in light of policies within the NPPF and NPPG.</i></p>
15.	<p>Prior to occupation of the development a sustainable drainage management and maintenance plan for the lifetime of the development shall be submitted to the local planning authority and agreed in writing. The sustainable drainage management and maintenance plan shall include as a minimum:</p> <ol style="list-style-type: none"> a. Arrangements for adoption by an appropriate public body or statutory undertaker, or, management and maintenance by a resident's management company; and b. Arrangements for inspection and ongoing maintenance of all elements of the sustainable drainage system to secure the operation of the surface water drainage

	<p>scheme throughout its lifetime.</p> <p>The development shall subsequently be completed, maintained and managed in accordance with the approved plan.</p> <p><i>Reason: To ensure that management arrangements are in place for the sustainable drainage system in order to manage the risk of flooding and pollution during the lifetime of the development.</i></p>
16.	<p>All new dwellings are required to achieve a minimum Dwelling Emission Rate of 19% above 2013 Building Regulations.</p> <p><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></p>
17.	<p>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.</p> <p><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 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.</i></p>
18.	<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><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 reductions as part of new residential schemes in the interests of minimising the environmental impact of the development.</i></p>
19.	<p>Prior to the construction/provision of any services, a strategy to facilitate super-fast broadband for future occupants of the site shall be submitted to and approved in writing by the Local Planning Authority. The strategy shall seek to ensure that upon occupation of a dwelling, either a landline or ducting to facilitate the provision of a super-fast broadband service to that dwelling from a site-wide network, is in place and provided as part of the initial highway works within the site boundary only.</p> <p><i>Reason: To ensure a sustainable form of development.</i></p>