

APPLICATION REPORT – 18/00586/FUL

Validation Date: 27 June 2018

Ward: Chorley South East

Type of Application: Full Planning

Proposal: Erection of 4no. dwellings with associated parking and additional parking for 65 and 67 Bolton Road

Location: Land A At The Rear Of 63 And 67 Bolton Road Chorley

Case Officer: Mr Iain Crossland

Applicant: Mr Mark Brennan

Agent: Mr Chris Weetman

Consultation expiry: 5 October 2018

Decision due by: 7 November 2018

UPDATE REPORT

1. The recommendation remains to grant planning permission subject to conditions.
2. Members will recall that this application was withdrawn from the agenda for the Development Control Committee meeting held on 06 November 2018 due to issues of land ownership. These issues have since been resolved.

RECOMMENDATION

1. It is recommended that planning permission is granted subject to conditions and a Section 106 Obligation to secure the provision of a commuted sum for the provision of new play equipment at Tatton Recreation Ground.

SITE DESCRIPTION

2. The application site comprises land to the rear of 65 and 67 Bolton Road, which has functioned as gardens to these properties, although the land is somewhat removed from these dwellings and does not have the domestic appearance of a typical garden. The site is located within the core settlement area of Chorley in an area of predominantly residential development. The site is located between mature dwellings of a traditional design style facing onto Bolton Road and a more recent housing estate of traditional design style at Redwood Drive.

DESCRIPTION OF PROPOSED DEVELOPMENT

3. The application seeks planning permission for the erection of 4no. dwellings with associated parking and additional parking for 65 and 67 Bolton Road. There would be two semi-detached dwellings and two detached dwellings that would be accessed from Redwood Drive.

4. It is noted that the application originally sought planning permission for the erection of a building comprising nine apartments. The scheme was amended in September removing the apartment building and replacing with four dwellings.

REPRESENTATIONS

5. Representations have been received from the occupiers of 4 addresses raising the following issues in relation to the erection of four dwellings and associated parking arrangements:
 - Congestion of the public highway.
 - Impact on highway safety.
 - Disruption to residents during construction.
 - Loss of protected trees.
 - Loss of privacy and light.
 - Lack of off street parking.
 - Impact on drainage.
 - Lack of infrastructure to support new development.
 - Noise disturbance.

CONSULTATIONS

6. **Lancashire Highway Services:** Comment that the proposal is acceptable subject to amendments.
7. **Greater Manchester Ecology Unit:** Have no objection.
8. **United Utilities:** Have no objection subject to conditions.
9. **The Coal Authority:** Have no objection to the proposed development subject to the imposition of a condition.

PLANNING CONSIDERATIONS

Principle of development

10. 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.
11. Policy 1(b) of the Central Lancashire Core Strategy states that growth and investment will be encouraged in Key Service Centres. Chorley is identified as a Key Service Centre and, therefore, the proposed development is in line with this policy.
12. The land that is subject to this application has previously been used as gardens to 65 and 67 Bolton Road, although the land does not appear to have been in any particular use for some time. 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, community facilities and public transport. The Framework also states that development in sustainable locations should be approved without delay.
13. As part of the application site has at some point been used as gardens then policy HS3 of the Chorley Local Plan 2012 – 2026 is relevant. This policy states that development within private residential gardens on sites not allocated for housing will only be permitted for:
 - (a) appropriately designed and located replacement dwellings where there is no more than one for one replacement.
 - (b) the conversion and extension of domestic buildings.
 - (c) infill development on gardens, which is classified as the filling of a small gap in an otherwise built up street frontage. This is typically a gap which could be filled by one or possibly two houses of a type in keeping with the character of the street frontage.

14. The proposed development does not comply with any of criteria (a) or (b) due to the nature of what is proposed. With regards to criteria (c), the site meets this definition to a greater extent as the site is a relatively small gap in an otherwise built up street frontage along Redwood Drive. The site is, however, capable of being filled by more than the two dwellings typical of an infill plot. The dwellings that are proposed reflect the character of the existing dwellings prevalent throughout of Redwood Drive, and would blend in to the character of Redwood Drive harmoniously.
15. This is supported by paragraph 5.29 of the preamble to policy HS3, which states that when assessing applications for garden sites the Council will also have regard to the relationship of development to the surrounding character in terms of density, siting, layout, massing, scale, design, materials building to plot ratio and landscaping. The appearance and scale of the proposed dwellings would be similar to that of existing dwellings that can be seen throughout Redwood Drive. The layout would continue the pattern set by 51 to 47 Redwood Drive to the north west of the site and would fill the gap in development between 47 and 45 Redwood Drive in a logical layout that would reflect the character of the locality. This can be achieved without harm to neighbour amenity as assessed below.
16. Policy HS3 includes the additional sustainability criteria, and the preamble describes that the Council will have regard to sustainability issues such as access to public transport, school, businesses and local services and facilities. In terms of this issue there are factors that weigh in favour of the proposal. The site is located in the settlement area of Chorley within walking distance of the Town Centre with a good level of accessibility to shops, schools and other services and amenities, public transport and local employment opportunities.
17. The proposed development would not be contrary to the objectives that policy HS3 has been designed to achieve. On this basis the principle of the development is considered to be acceptable in this case, subject to other material planning considerations.

Impact on character and appearance of the locality

18. 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.
19. The site as it exists currently extends from the garden areas of 65 and 67 Bolton Road and comprises grass and some hardstanding in addition it is occupied by a timber outbuilding. There is also a protected tree to the south west side of the site. The land has not been used for some time and appears somewhat anomalous in the context of the surrounding area. It does not, therefore, reflect the character of the surrounding area and its retention would be of no particular benefit in terms of the character of the locality.
20. The proposed development comprises four dwellings to be located on land to the rear of 65 and 67 Redwood Drive. The dwellings would be arranged and positioned in line with 51 to 47 Redwood Drive and would face onto Redwood Drive, which would have a positive impact in terms of creating an active street frontage and contributing to the character of the area in a consistent manner. The dwellings would be of a design and scale that would reflect the character of Redwood Drive and would sit comfortably within the fabric of the estate.
21. No landscaping or boundary scheme is included at this stage, however, this will form an important component as regards the details of the eventual development, and a condition is recommended to secure these details. In considering the landscaping of the eventual scheme it is considered that a soft boundary with Redwood Drive would be the most appropriate treatment in the context of the area. A native hedgerow would provide a suitable way of demarcating the site in a manner that contributes positively to the character of the area.
22. Overall, it is considered that the proposed development would not be harmful to the appearance of the site and character of the street scene and wider area.

Impact on neighbour amenity

23. The proposed dwellings would continue the pattern of development set by 51 to 47 Redwood Drive and would be positioned in line with these dwellings. As such the relationship between the existing dwelling at 47 Redwood Drive and proposed plot 1 would reflect current relationship in this row and would have an acceptable relationship with no unacceptable impact on light, outlook or privacy.
24. The relationships between the proposed dwellings themselves meet with the Council's interface guidelines and are considered to be acceptable.
25. The proposed dwelling at plot 4 would be positioned perpendicular to 45 Redwood Drive, which is to the north east of the site, and as such would face this dwelling with views towards the rear garden at this property. The separation distance between the first floor windows to plot 4 and garden boundary at 45 Redwood Drive is approximately 11.5m, which is in excess of the Council's interface guideline of 10m. It is, therefore, considered that there would be no unacceptable impact on the privacy of occupiers of 45 Redwood Drive due to the degree of separation. This separation would also prevent any unacceptable impact on light or outlook.
26. The proposed dwelling at plot 4 would have a side elevation facing the rear of dwellings at 15 and 16 Rosewood Close. There would be no windows to habitable rooms facing these properties and plot 4 would be positioned to the north west of these dwellings. Plot 4 would be positioned approximately 12m from the main rear elevation of 15 Rosewood Close (the nearest property). As a result of the relative positioning and degree of separation there would be no unacceptable impact on the occupiers of 15 or 16 Rosewood Close through light, outlook or privacy.
27. The proposed dwellings would be positioned some considerable distance from dwellings that face Bolton Road to the rear of the application site. It is considered that there would be no unacceptable impact on the amenity of any of the dwellings facing Bolton Road or any other property.
28. The proposed dwellings would result in a use of the land that is compatible with surrounding residential properties and is not therefore considered to present a noise disturbance issue.

Highway safety

29. The proposed development would result in two, two bedroomed dwellings and two, three bedroomed dwellings. There would be adequate parking on site to meet the Council's adopted parking standards in relation to these new dwellings. Access would also be enabled to dwellings fronting Bolton Road. This would reflect the current arrangement in relation 65 and 67 Bolton Road, which have access through the site, but would also include access to the rear gardens at 63 and 69 Bolton Road. This element of the proposed development would not in itself require planning permission and is of benefit to the existing properties facing Bolton Road that currently depend on the limited access from Bolton Road. In addition parking spaces would be provided for the existing dwellings at 65 and 67 Bolton Road. This would alleviate parking pressures on Bolton Road and would be benefit to residents of Bolton Road and these properties in particular.
30. The number of vehicles accessing the site through the Redwood Drive and Beechwood Road from Bolton Road would be relatively low and would have a limited impact on the capacity of the highway network and upon the amenity of existing occupiers in this area. Although it is recognised that construction works in themselves can be disruptive for residents and can result inconvenience these impacts would be temporary and it is considered that the impacts can be managed. It is, therefore, recommended that a construction method statement is attached to any grant to planning permission.

Trees

31. There is an ash tree located near to the south east boundary of the site that is protected by a Tree Preservation Order (TPO). This tree is to be retained within the development and the

applicant has submitted a tree report produced by a qualified arborist in support of the application. This report identifies the ash tree as being prominent and of value. It demonstrates that the tree would not be at risk from the proposed development subject to adequate precautions being taken to protect the retained trees as specified as long as the development is implemented in consideration of the arboricultural method statement. It is, therefore, recommended that an appropriate condition is attached to any planning approval.

Public open space

32. 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. There is currently a surplus of provision in Chorley South East Ward in relation to this standard and the site is within the accessibility catchment (800m) of an area of provision for children/young people. A contribution towards new provision in the ward is, therefore, not required from this development. However, there are areas of provision for children/young people within the accessibility catchment that are identified as being low quality and/or low value in the Open Space Study (Site: 1330.2 Tatton Recreation Ground Play Area (0.5284ha) low/high). A contribution towards improvements to these sites is therefore required from this development. The amount required is £134 per dwelling.

Community Infrastructure Levy

33. The Chorley CIL Infrastructure Charging Schedule provides a specific amount for development. The CIL Charging Schedule was adopted on 16 July 2013 and charging commenced on 1 September 2013. The proposed development will be a chargeable development and the charge is subject to indexation in accordance with the Council’s Charging Schedule.

CONCLUSION

34. The proposed development would have the benefit of providing new housing in a sustainable location. The proposal would have no unacceptable detrimental impact on the character of the areas or the amenity of neighbouring occupiers. In addition there would be no 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: 17/00748/FULHH **Decision:** PERFPP **Decision Date:** 22 September 2017

Description: Conversion of existing attached side outhouse to kitchen/dining space involving the addition of a mono-pitched roof and elevational alterations.

Ref: 09/00070/OUT **Decision:** PEROPP **Decision Date:** 2 June 2009

Description: Outline application for the erection of three dwellings (renewal of outline planning permission 06/01145/OUT)

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.	The proposed development must be begun not later than three years from the date of this permission.

	<i>Reason: Required to be imposed by Section 51 of the Planning and Compulsory Purchase Act 2004.</i>									
2.	<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>Site plan and location plan</td> <td>143/PL01/D</td> <td>19 October 2018</td> </tr> <tr> <td>Proposed plans and elevations</td> <td>143/PL02/B</td> <td>13 September 2018</td> </tr> </tbody> </table> <p><i>Reason: For the avoidance of doubt and in the interests of proper planning.</i></p>	Title	Drawing Reference	Received date	Site plan and location plan	143/PL01/D	19 October 2018	Proposed plans and elevations	143/PL02/B	13 September 2018
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3.	<p>Due to the proposed sensitive end-use (residential housing with gardens), the development should not commence until the applicant has undertaken an appropriate scheme of intrusive site investigations/gas monitoring and submitted to and had approved in writing by the Local Planning Authority a report of findings arising from the intrusive site investigations/gas monitoring. The report should provide a scheme of remedial works/mitigation for approval and the development shall thereafter only be carried out following the remediation/mitigation of the site in full accordance with the measures stipulated in the approved report.</p> <p><i>Reason: Coal mining legacy potentially poses a risk to the proposed development and that intrusive site investigation works, including ground gas monitoring should be undertaken prior to development in order to establish the exact situation regarding coal mining legacy issues on the site.</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 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 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>Before the development hereby permitted is first commenced 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 Authority, notwithstanding any such detail shown on previously submitted plan(s). The development shall be carried out strictly in conformity with the approved details.</p>

	<p><i>Reason: To protect the appearance of the locality and in the interests of the amenities of local residents.</i></p>
12.	<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><i>Reason: To ensure a visually satisfactory form of development and to provide reasonable standards of privacy to residents.</i></p>
13.	<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.</p> <p>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 and unless otherwise agreed in writing by the Local Planning Authority, no surface water shall discharge to the public sewerage system either directly or indirectly.</p> <p>The development shall be completed in accordance with the approved details.</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>
14.	<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 scheme throughout its lifetime. <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>
15.	<p>During the construction period, all trees to be retained shall be protected in accordance with British Standard BS 5837:2012 or any subsequent amendment to the British Standards.</p> <p><i>Reason: To safeguard the trees to be retained.</i></p>
16.	<p>The development hereby permitted shall only be carried out in accordance with the recommendations set out in the Arboricultural Method Statement prepared by GM Tree Consultants 21 May 2018 (Job Ref:1151).</p>

	<p><i>Reasons: In the interests of safeguarding the protected trees.</i></p>
17.	<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>
18.	<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>
19.	<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>
20.	<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>