

APPLICATION REPORT – 18/00367/OUTMAJ

Validation Date: 25 May 2018

Ward: Pennine

Type of Application: Major Outline Planning

Proposal: Outline Planning including access for up to 10No residential dwellings, following the demolition of the existing dwelling and garage. All other matters reserved.

Location: Lucas Green Lucas Lane Whittle-Le-Woods Chorley PR6 7DA

Case Officer: Amy Aspinall

Applicant: Mrs. S. Dee and Mrs. H. Sykes

Agent: Tony Lawson

Consultation expiry: 27 June 2018

Decision due by: 30 January 2019

RECOMMENDATION

1. It is recommended that Outline Planning Permission is granted, subject to conditions and a s106 legal agreement to secure a financial contribution towards improvements to existing public open space provision for children/young people.

SITE DESCRIPTION & PROPOSED DEVELOPMENT

2. The application site relates to a single domestic dwellinghouse and garden, which is accessed off Lucas Lane. The existing property is a non-designated heritage asset and is identified on the Council's Local List. The site is situated within the settlement of Whittle-le-Woods, with the surrounding area being predominately residential and identified for housing growth under policy 1 of the Core Strategy. The application seeks outline planning permission to demolish the existing dwelling and garage and to erect up to 10No dwellings, with all matters except for access reserved.

RELEVANT HISTORY OF THE SITE

3. No relevant history.

REPRESENTATIONS

4. At the time of report preparation 8No objections have been received. These are summarised below:
 - Impact on flooding in the area
 - Impact on highways safety – Lucas Lane is inadequate / no passing places / increased volume of traffic / impact on pedestrian safety / poor condition of the road.
 - Impact on trees

- Impact on neighbouring amenity – overlooking / loss of privacy / heights and proximity of houses to neighbours / noise and disturbance
- Impact on property values
- Loss of heritage

CONSULTATIONS

5. Lancashire Highway Services:
No objection subject to conditions in relation to offsite works.
6. Greater Manchester Ecology Unit:
No objection.
7. Waste & Contaminated Land:
Land contamination assessment advised.
8. Lead Local Flood Authority:
No objection, drainage conditions advised
9. United Utilities:
Drainage conditions advised.
10. Lancashire County Council (Education):
Based upon the latest assessment, taking into account all approved applications, LCC will be seeking a contribution for 5 primary school places. As there are a number of applications that are pending a decision that could impact on this development should they be approved prior to a decision being made on this development the claim for secondary school provision could increase up to maximum of 2 places.
11. Whittle-le-Woods Parish Council:
The Parish Council object to the proposal for the following reasons:
 - Lucas Lane / Lucas Green is not suitable for the access / traffic that will use the road to access the proposed properties.
 - The Parish Council requests that the Lane be preserved, however there is no merit in preserving the current dwelling
12. CIL Officers:
CIL liable at Reserved Matters stage.
13. Lancashire County Council Archaeology Service:
Recommend that the dwelling is retained.
Conditions advised in relation to recording and a programme of archaeological work.
14. The Twentieth Century Society:
The loss of this non-designated heritage asset - a rare modern domestic building of interest in Chorley - would cause harm to the local historic environment, and the Society therefore objects to its loss.

PLANNING CONSIDERATIONS

Principle of Development

15. The site is situated within the settlement boundary of Whittle-le-Woods, which is identified under Core Strategy policy 1 (Locating Growth) for some growth and investment to help meet housing and employment needs.
16. The site comprises a single dwellinghouse and outbuilding, and its large domestic garden. Chorley Local Plan policy HS3 (Private Residential Garden Development) states that in

settlements, applications for development within private residential gardens on sites not allocated in the housing allocations policy 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. Infill is the filling of a small gap in an otherwise built-up street frontage, e.g. 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.

17. The policy also states that when assessing applications for garden sites, the Council will also have regard to sustainability, such as access to public transport, schools, businesses and local services and facilities; and that proposals which significantly undermine amenity and harm the distinctive character of an area will be refused.
18. The National Planning Policy Framework (the Framework) is a material consideration in the determination of planning applications. The Framework is clear that the Government's objective is to significantly boost the supply of homes and that it is important that a sufficient amount and variety of land can come forward where it is needed.
19. The Framework at paragraph 68 recognises the important contribution that small sites can make to meeting the housing requirement of an area, and are often built out relatively quickly. In addition, the Framework provides that Local Authorities should promote the development of a good mix of sites, including the development of windfall sites – giving great weight to the benefits of using suitable sites within existing settlements for homes.
20. Policy HS3 is relevant as the proposal seeks to redevelop a private residential garden within a settlement and on an unallocated site. The policy sets out a number of criteria, which development proposals are assessed against, however the proposal fails to accord with criteria (a) to (c) as it does not involve a replacement dwelling, a conversion scheme, or infill development.
21. The policy also states that when assessing applications for garden sites, the Council will also have regard to sustainability, such as access to public transport, schools, businesses and local services and facilities; and that proposals which significantly undermine amenity and harm the distinctive character of an area will be refused.
22. At paragraph 5.28, the reasoned justification of the policy 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 preamble also states that the Council will have regard to sustainability issues such as access to public transport, schools, businesses and local services and facilities.
23. In terms of the site itself, the existing dwellinghouse sits in an unusually large plot, which contributes significantly to its setting as a non-designated heritage asset. Whittle-le-Woods is an area identified for some growth, with the immediate surrounding area being allocated for housing under Local Plan policy HS1. Some sites have been built out, and the character of the area has become residential. The application site currently forms the edge of the built up area, however this would change further once the allocated sites are built out in their entirety.
24. The site is surrounded by residential properties, and when considering the application and adjacent property in isolation, the density is low. This is not, however, characteristic of the surrounding residential estates, which are more densely developed. When considering the surrounding densities and building to plot ratios, the illustrative plan would be more in-keeping with the now prevailing pattern of development.
25. The site is accessed off Lucas Lane, which is a single road with a leafy semi-rural feel, passing through the built up area of Whittle-le-Woods and connecting with Town Lane to the north. The route of the existing driveway would be re-aligned to accommodate access

alterations; with the developed area of the site being set back some distance from the road, thereby maintaining an attractive spacious frontage to Lucas Lane.

26. The proposal would, however, entail the loss of a non-designated heritage asset, which is identified on the Council's local list; and the reasoned justification of policy HS3 also seeks the protection and enhancement of heritage assets in line with Local Plan policy BNE8. This is assessed in more detail below.
27. The dwellinghouse was designed and built in the early 1960s by a local architect, Sidney Roy Fisher. The property is a typical of 1960s design set in a large domestic garden, with trees lining the boundaries. Whilst the architectural style is not necessarily historic and not to everyone's taste, it is included on the Council's list of Locally Important Buildings and forms part of the architectural history of the area.
28. The application is accompanied by a Heritage Statement, which details the current condition of the building. The building is currently vacant and is said to have last been occupied in November 2016. The submission considers that the design of the property is impractical; that the retention of the obsolete features and fittings of the property is financially unviable; and that a renovation programme would be of a magnitude, which makes it unsaleable. The application also advances the case that this is the only residential building designed by Sidney Roy Fisher for his own occupation, and does not therefore present an example of his work, which was almost exclusively the design of institutional and social buildings.
29. The Heritage Statement provides internal photographs which show that the internals retain its 1960s integrity with a number of original features remaining intact, albeit some alterations have been carried out to the property.
30. Chorley Local Plan policy BNE8 provides that applications will be granted where they sustain, conserve and, where appropriate, enhance the significance, appearance, character and setting of the heritage asset itself and the surrounding environment, and where they show consideration for a number of criteria. The policy also states that development involving the demolition or removal of significant heritage assets or parts thereof will be granted only in exceptional circumstances, which have been clearly and convincingly demonstrated to be in accordance with the requirements of the Framework.
31. Criterion (e) of Chorley Local Plan policy BNE1 provides that planning permission will be granted for new development where the proposal would not adversely affect the character or setting of a listed building and/or the character of a conservation area and/or any heritage asset including locally important areas.
32. Central Lancashire Core Strategy policy 16 (Heritage Assets) aims to protect and seek opportunities to enhance the historic environment, heritage assets and their setting in a number of ways including safeguarding heritage assets from inappropriate development that would cause harm to their significance.
33. At paragraph 197 the Framework states that the effect of an application on the significance of a non-designated heritage asset should be taken into account in determining the application. In weighing applications that directly or indirectly affect non-designated heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset.
34. The Framework recognises that the more important the asset, the greater the weight should be given to their conservation. For non-designated heritage assets the Framework does not require a proposal to meet detailed criteria in the same way as designated assets, it simply requires a balanced judgement to be made. The building is not statutorily listed and does not meet Historic England's criteria for listing status, as confirmed by the 20th Century Society. The proposal would entail the complete loss of a non-designated heritage asset and also its setting through the redevelopment of the site as a whole; and the loss would be irreplaceable. The scale of the harm to the non-designated heritage asset is therefore severe; although the significance of the asset is limited to a local level.

35. The site does contribute to the character of the area particularly with its sense of spaciousness, however the setting of the heritage asset has drastically changed since its construction in the sixties, and it is now surrounded by modern housing. In addition, it should also be recognised that a fall-back position to demolish the building under permitted development rights (subject to the relevant provisions and procedure), could be advanced by the applicant.
36. When considering the sustainability factors of policy HS3, the area has been allocated for housing and is therefore considered to be an appropriate location in sustainability terms.
37. Having regard to the above, a balanced judgement needs to be made in relation to the loss of the non-designated heritage asset and whether or not the benefits of the proposal outweigh the non-compliance with criteria (a) to (c) of Local Plan policy HS3.

Highways

38. The application seeks approval for access and the submitted plan shows that the access onto Lucas Lane would be widened to provide a splay to the east and the provision of a 2 metre footpath to the west, connecting to the Public Right of Way (FP44).
39. During the course of the application, the applicant has engaged in discussions with Lancashire County Council Highways in order to overcome their initial objection. The scheme now proposes 3No passing places within the adopted highway of Lucas Lane which would increase the width of the single carriageway to 5.5 metres at various points. In accordance with the guidance contained in Manual for Streets, this would provide a sufficient carriageway width to accommodate passing vehicles from opposing directions. The passing places would also serve as places of refuge for pedestrians when faced with oncoming traffic.
40. In order to prevent parking within the passing places and to inform motorists of their existence, a scheme of signage is required. A scheme of street lighting is also shown on the submitted plan, as required by LCC Highways to improve highways safety in particular for pedestrians. The plan shows the provision of 3No lighting columns positioned at each proposed passing place; however, a finalised scheme by Lancashire County Council may require the provision of more lighting columns, subject to a number of factors. The proposal includes improvements to the Public Right of Way (FP44) by extending the surfacing to tie in part of the adopted section with the carriageway.
41. Full off-site highways works as detailed above could be conditioned accordingly and would be subject to a s278 agreement with Lancashire County Council as the Highway Authority.
42. The detailed design of the scheme would need to ensure provision in accordance with the Council's parking standards; however this matter is not for approval at this stage.
43. Whilst neighbour and the Parish Council comments in relation to highways matters are noted, in the absence of an objection from LCC Highways, it is not considered that a reason for refusal on highways grounds could be sustained. Subject to conditions in relation to the access and offsite highways works, the proposed development is considered to be acceptable in highways safety terms and would accord with Local Plan policy BNE1 criterion (d).

Amenity

44. An illustrative site plan has been submitted which demonstrates one possible layout, however this is not for consideration now. Any future reserved matters application would need to ensure that adequate separation distances are achieved to ensure that the proposed development would not cause harm to neighbouring properties by virtue of overlooking, overshadowing or overbearing impacts.
45. In land use terms, the site has an established residential use and whilst the proposal would increase the number of dwellings, the use would remain domestic in nature and would not therefore give rise to adverse impacts of noise and disturbance to neighbouring properties.

Ecology

46. The application is accompanied by an ecological survey, which has been assessed by the Council's appointed ecologists at Greater Manchester Ecology Unit, who raise no objection. The survey concludes that the buildings have negligible potential to support roosting bats and that the likelihood of lone and/or transient roosting was also negligible. The survey advises that some trees are identified for removal, however it should be noted that a tree survey has not been submitted and that tree removal is not shown on the submitted plans. Nonetheless, the trees were assessed as having negligible potential to support bats. As the application is in outline form only, any reserved matters application detailing the proposed layout would need to be accompanied by an appropriate tree survey.
47. A nesting birds condition is recommended by GMEU, in addition to a measures for biodiversity enhancement.
48. The proposal would not be detrimental to nature conservation interests and would accord with Local Plan policies BNE9 and BNE11.

Public Open Space

49. Chorley Local Plan policy HS4 requires public open space contributions for new dwellings to be provided in order to overcome the harm of developments being implemented without facilities being provided.
50. National Planning Practice Guidance (NPPG) post-dates the adoption of the Local Plan and 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 1000 square metres. As the application is in outline form, the floorspace is currently unknown.
51. In the determination of planning applications, the effect of the national policy is that although it would normally be inappropriate to require certain types of contributions on sites below the thresholds stated, local circumstances may justify lower thresholds as an exception to the national policy.
52. It is a matter for the decision-maker to decide how much weight to give to lower thresholds, justified by local circumstances as compared with the new national policy. Within the accessibility catchment area of the site there is a surplus of provision for children/young people, and therefore new provision is not required from this development. However, there are two areas of existing provision which are identified in the Council's Open Space Study as being of low quality and/or low value. A contribution towards improvements to existing provision is therefore considered necessary, in line with Local Plan policy HS4A. The amount required is £134 per dwelling, and this would be secured by way of a s106 legal agreement.

Education

53. Lancashire County Council have requested financial contributions for primary school provision in order to mitigate the impact of the development on education provision.
54. When considering this request, it should be noted that the Council operate a CIL Charging schedule which was implemented on 1st September 2013. The Regulation 123 list allows the charging authority to set out a list of projects or types of infrastructure that the levy is intended to fund. The purpose of the list is to ensure clarity on what CIL might be spent on and to prevent duplication ('double dipping') between CIL and S106 agreements in funding the same infrastructure projects.
55. Education is listed in the Council's Regulation 123 list and therefore education infrastructure falls under the remit of CIL; and all housing schemes coming forward will be subject to the levy. Accordingly, such applications should not normally be subject to separate planning obligations to secure education contributions, regardless of whether or not they are windfall sites. Whilst not completely excluding site specific education contributions in exceptional cases, National Planning Practice Guidance is clear that this should not normally be sought

and, where it is, it must be justified by specific evidence publicly available at the examination into the CIL list.

56. Planning obligations cannot be used where CIL accounts for the specific infrastructure requirements as set out in the list, as this would breach Regulation 123 and would lead to duplication. Accordingly, it is not considered that an education contribution should be required in this instance.

Other matters

57. Loss of property values – this is not a material consideration in the determination of the planning application.

CONCLUSION

58. The proposal would result in the loss of a heritage asset, which is irreplaceable. The heritage asset is non-designated and its significance is derived at a local level. The building is vacant and its reuse as a dwellinghouse, or indeed for other uses, is likely to require significant works given the architectural style, 1960s construction and attributes of the property, rendering it unviable. It is not considered that the proposal would undermine the amenity or distinctive character of the area, having regard to policy BNE1 (a). The surrounding area is identified for housing growth and the proposal would contribute to the Council's housing land supply, in a sustainable area. The Framework is clear that it is the Government's objective is to significantly boost the supply of homes and that great weight is given to the benefits of using suitable sites within existing settlements for homes. When taking a balanced judgement, it is considered that the benefits of the proposal in the delivery of housing outweigh the loss of the non-designated heritage asset and the conflict with Local Plan policy HS3, which seeks to pre-empt the development of private residential gardens in order to retain the character of certain locally distinctive areas.
59. The application is recommended for approval accordingly, subject to conditions and s106 legal agreement to secure a financial contribution for play provision.

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

Conditions to follow separately.