

APPLICATION REPORT – 19/01080/FUL

Validation Date: 29 November 2019

Ward: Pennine

Type of Application: Full Planning

Proposal: Erection of 1no. dwelling

Location: Plot 1 Dark Lane Whittle-Le-Woods Chorley PR6 8AE

Case Officer: Mike Halsall

Applicant: Mr & Mrs Edwards

Agent: Studio SDA

Consultation expiry: 23 December 2019

Decision due by: 7 February 2020

RECOMMENDATION

1. It is recommended that this application is approved, subject to conditions.

SITE DESCRIPTION

2. The application site is located within the Green Belt, on the western side of Dark Lane, Whittle-le-Woods, between the Leeds Liverpool canal and Dark Lane. The site is adjoined by a dwelling currently under construction to the north and no. 1a Dark Lane, a residential dwelling to the south.
3. Planning permission was granted for two dwellings, one to be erected on this site and the other on a plot of land to the north, approved under planning permission ref. 15/01185/FUL in 2016. That planning permission has since been implemented by virtue of work commencing on the northerly plot with the construction of the dwelling nearing completion.

DESCRIPTION OF PROPOSED DEVELOPMENT

4. This application seeks planning permission for a four storey (the same as the existing dwellings to the north and south), 4-bedroom dwelling. The basement would sit below the level of Dark Lane and would provide a leisure area, study, seating area and terrace to the rear. The ground floor would provide a kitchen, living room and dining area. The first floor would provide three bedrooms and a terrace and the second floor would provide the master bedroom.
5. Due to the sloping nature of the site, which drops approximately 3m from near Dark Lane to the canal bank, and the proposal to construct a basement level, the dwelling would appear as a two storey dwelling from Dark Lane. The design and appearance of the dwelling in terms of external facing materials has been carefully selected by the applicant, as detailed within the submitted Design and Access Statement, to be cohesive with the street scene. This is evident in the use of natural stone and slate and locating all principal windows at the rear of the dwelling to fully utilise views over the canal and avoid privacy issues with surrounding properties.

REPRESENTATIONS

6. Responses have been received from four individuals raising objections to the application on the following grounds (summarised):
 - Loss of light
 - Greater scale and closer to neighbouring property than the previously approved scheme
 - Lack of space within the site for the build to take place, impacting upon the highway
 - Piling work would damage neighbouring property
 - The proposal is out of character with the rest of the more traditional houses on Dark Lane
 - Time taken to construct the neighbouring dwelling (over 15 months)
 - Overdevelopment of the plot
 - Loss of amenity land
 - Inappropriate infill in the Green Belt
7. One response raised a conditional objection stating that Whittle Springs is a local beauty spot used by boaters, walkers, cyclists and anglers and valued as such. Any development should be of a size and design that complements rather than detracts from the lovely spot.
8. Two response has been received in support of the proposed development, stating that:
 - The proposed design is impressive and unique yet entirely consistent with the existing canal-side properties on Dark Lane
 - The proposal has interestingly incorporated some of the best features of the existing properties, as well as meeting high environmentally friendly standards
 - The proposal would improve the street scene and canal scene
 - They are impressed by the amount of outside space which faces the canal. As opposed to proposing the biggest building the footprint would hold, they intend to incur the expense and difficulty of creating a huge space in a basement
 - The applicants have been given permission to use their neighbour's driveway for storage if required.
9. All objections and comments listed above that are material planning considerations are addressed within the following sections of this report.

CONSULTATIONS

10. Whittle le Woods Parish Council: Have responded to state that due consideration should be provided to the neighbouring property, that materials used should be in keeping with the established dwellings and the area and that property boundaries are not encroached in any way. Comment is also made that there is overdevelopment of the site and the proposal is not in keeping with the street scene.
11. Lancashire Highway Services (LCC Highways): Initially responded to object to the proposed development based upon inadequacy of visibility splays when exiting the driveway onto Dark Lane. LCC Highways later withdrew their objection following a discussion with the applicant's agent to agree a height limit for the boundary wall of 0.9m. This can be controlled by planning condition by virtue of approved drawing ref. (S)2-03-PP Rev A.
12. Canal & River Trust: Have responded to suggest conditions be attached to any grant of planning permission to ensure the structural integrity of the canal infrastructure would be safeguarded and that appropriate protection measures are in place to prevent contamination of the canal.
13. United Utilities: No comments have been received which is common for schemes of this size. It is considered appropriate to attach their standard conditions with regards to residential developments.

PLANNING CONSIDERATIONS

Principle of the development

14. The acceptability in principle of a dwelling on this site has been established by virtue of its planning history. The development does not represent inappropriate development in the Green Belt as it constitutes an infill plot in a village, under the National Planning Policy Framework (the Framework).
15. Policy HS7 of the Chorley Council Local Plan 2012 – 2026 covers rural infilling and states:

'Within smaller villages limited infilling for housing will be permitted providing the applicant can demonstrate that the following criteria are met:

 - a) The existing buildings form a clearly identifiable built-up frontage;*
 - b) The site lies within the frontage, with buildings on either side, and its development does not extend the frontage;*
 - c) The proposal would complement the character and setting of the existing buildings.*

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. When assessing applications for rural infill sites, the Council will also have regard to site sustainability, including access to public transport, schools, businesses and local services and facilities.'
16. The proposal is, therefore, considered to be acceptable in principle subject to the proposed dwelling being in keeping with the character of the street frontage which is assessed below.

Impact on character and appearance of locality

17. The Framework attaches considerable importance to achieving good design and a high-quality built environment. It states at paragraph 127 that *'Planning policies and decisions should ensure that developments... are sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change (such as increased densities);'*
18. The importance of high-quality design is reflected in the Central Lancashire Core Strategy (policy 17) and policy BNE1 of the Chorley Local Plan 2012 - 2026. It is considered that the design of the proposed dwelling is appropriate to the character of the area. As previously noted, the applicant has undertaken a detailed appraisal of the street scene in order to design a dwelling that borrows design elements from other dwellings on Dark Lane whilst being highly innovative and sustainable.
19. The site slopes down from the east to west from Dark Lane to the canal. The adjacent properties have been built to take advantage of the change in levels on the west side of Dark Lane with terraces and split-level dwellings. The various split levels, styles and designs result in a positive interesting character when the properties are viewed from the canal tow path. This is something that the proposal respects and attempts to emulate.
20. The proposal incorporates a more traditional materials palette of natural stone and slate whilst incorporating modern sustainable elements to the build, such as insulated concrete formwork (ICF) and structural insulated panels (SIPS) which allows dwellings to be built quickly and efficiently. The design is proposed to be highly air-tight, well insulated, powered via renewable technologies such as carbon neutral pellet boilers and secondary heating would be via natural fuel log burners. Other renewable sustainable technologies include sheep's wool insulation provided by neighbouring farms and greywater harvesting to use within the home. For these reasons, the proposal demonstrably accords with paragraph 127 of the Framework quoted above.
21. The scheme was amended at the request of the case officer to add windows in the front elevation to break the massing of the proposed dwelling when viewed from Dark Lane.

22. In light of the above, the development complies with the Framework, policy 17 of the Central Lancashire Core Strategy and policies BNE1 of the Chorley Local Plan 2012 – 2026 in this regard. This, in turn, demonstrates compliance with policy HS7 of the Chorley Local Plan.

Impact on neighbour amenity

23. 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.
24. The layout of the properties on Dark Lane and the nature of the land dropping away to the canal means that the relationships between the existing properties on the canal side of Dark Lane are not traditional. Views are afforded into private areas both from other properties and from the canal tow path on the other side of the canal.
25. The proposed dwelling would be located between no. 1a Dark Lane to the south and a new dwelling currently under construction to the north, approved by planning permission ref. 15/01185/FUL.
26. There are no windows proposed in either side elevation of the proposed dwelling. There is a patio door / window to be located at ground floor level in the south facing elevation of the dwelling under construction, however, this would face the equivalent of a single storey element of the proposed development, located in excess of 14m away. The relationship between the proposed dwelling and the dwelling under construction to the north is, therefore, considered acceptable.
27. The proposed dwelling, as with the previously approved dwelling on this plot, has been designed so that the two storey element sits further forward within its plot than the neighbouring dwelling to the south, no. 1a Dark Lane. This existing dwelling contains a number of windows within its side elevation that would face towards the proposed property. Nearest to the canal there are two windows at a low level that are secondary windows to a lounge that has a large main window facing the canal. Towards the middle of the property is a kitchen window, though this room also has patio doors overlooking the canal. Due to the level changes on the site, this window is higher than ground floor and would look over the flat roof of the single storey rear projection of the proposed dwelling. This situation is an improvement on the previously approved scheme as this roof was previously proposed to be mono-pitched and so would have risen in front of the neighbouring window.
28. There are two other windows in the side elevation of no.1a nearer to the front of the property serving bedrooms at first floor level, and a study at ground floor. There would be approximately 6m between the bedroom windows and the first floor gable on the side of the proposed dwelling. Whilst this is less than the 12m usually required in such situations, there are mitigating factors in this instance. One of the bedroom windows wraps around the corner of the dwelling and so also provides an outlook to the front of the dwelling. The other window would look out onto the top of the apex of the gable wall of proposed dwelling, rather than directly at the gable wall itself. This relationship is not materially different to that of the previously approved dwelling. The lower study room window is at the equivalent of ground floor level but has a second larger principal window on the other side of the dwelling. This relationship would be the same as that of the approved dwelling.
29. An overlay drawing was requested by the case officer so that a comparison could be made of the approved scheme compared to the current proposal. This has been provided by the applicant's agent and demonstrates that overall there would only be a minor, non-material difference in the amenity impacts for the occupiers of no.1a Dark Lane, compared to that of the previously approved scheme. With regards to daylight, the sun's path would result in a shadow being cast from no.1 Dark Lane onto the blank gable of the proposed dwelling, rather than the proposed dwelling casting a shadow on the side windows of no.1 Dark Lane. The relationship between the existing and proposed dwelling is, therefore, considered acceptable.

30. Whilst it is possible there would be views into some parts of the outside space between the existing and proposed property, this is a relationship common with all the properties backing onto this stretch of the canal as the rear outside space of all the properties is open to the canal and allows both passing boats and users of the canal tow path opposite, views into the rear amenity space. The rear gardens of the properties along the canal are not, therefore, traditional in their relationships with one another and are not mainly private spaces that would ordinarily be found to the rear of a property. The relationship between the rear outside spaces of the existing and proposed properties are, therefore, considered acceptable.
31. In terms of the relationship between the facing properties, no.8 Dark Lane is a semi-detached bungalow which has an elevated position above Dark Lane and partly faces towards the application site. The windows are at the equivalent of first floor level. No.10 Dark Lane is a three storey property with a balcony looking across the application site to the canal. The front windows in no.10 at first floor level would look towards the front elevation of the proposed dwelling. The windows in the front elevation of the proposed dwelling only serve a landing/corridor. These are not habitable rooms and so the interface distances with the properties opposite do not need to be applied. The habitable rooms of the proposed dwelling would be in the rear elevation overlooking the canal and the fields beyond. The relationship with the properties opposite is, therefore, considered acceptable.

Highway safety

32. Adequate off-road parking spaces are proposed to serve the proposed 4no. bedroom dwelling (3 spaces) and so the proposal complies with the Council's parking standard set out at policy ST4 of the Chorley Local Plan 2012 - 2026. As noted above, LCC Highways has no objection to the scheme and so the proposal is considered acceptable in terms of access and highway safety.

Sustainability

33. 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."

34. Given this change, instead of meeting the code level, the dwelling 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.

Public open space (POS)

35. Policy HS4 of the Chorley Local Plan 2012 – 2026 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.
36. However, the 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.
37. In the determination of planning applications, the effect of the national policy is that although it would normally be inappropriate to require any affordable housing or social infrastructure contributions on sites below the thresholds stated, local circumstances may justify lower (or no) thresholds as an exception to the national policy. It would then be 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.
38. The Council must determine what lower thresholds are appropriate based on local circumstances as an exception to national policies and how much weight to give to the benefit of requiring a payment for 1 or 2 dwellings.
39. It is considered that the benefit of securing a public open space contribution on the basis of one dwelling would not be sufficient or carry significant weight to outweigh the national policy position. The benefit to the Council is the delivery of improvements to play space, however the cost of managing the end to end process of delivering those improvements is high and not commensurate to the benefit. The likely success of delivering improvements is also in doubt due to the difficulty of identifying schemes to pool small amounts of money secured through Section 106 agreements.
40. Therefore, a public open space commuted sum is not requested for this scheme.

Community Infrastructure Levy

41. 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.

CONCLUSION

42. The existing properties on Dark Lane are individually designed and create a high quality frontage to both Dark Lane and the canal. Whilst the proposal may have a slightly higher density than the existing properties, it has been carefully designed to add to the unique character of the immediate area, whilst incorporating innovative and sustainable features. This is encouraged by the Framework.
43. The relationship with neighbouring properties in terms of amenity impacts is not materially different to that of the previously approved dwelling on this site and is considered acceptable notwithstanding this.
44. The proposal complies with policies HS7, ST4 and BNE1 of the Chorley Council Local Plan and policy 17 of the Central Lancashire Core Strategy.
45. The application is recommended for approval, subject to conditions.

RELEVANT HISTORY OF THE SITE

Ref: 14/00966/FUL **Decision:** PERFPP **Decision Date:** 4 December 2014
Description: Proposed erection of single dwelling and change of use of strip of land to the north of 1a Dark Lane as additional residential curtilage for existing property (resubmission of previously refused application ref: 13/00489/FUL)

Ref: 15/01185/FUL **Decision:** PERFPP **Decision Date:** 12 April 2016
Description: Proposed erection of two new dwelling houses on land between 1a and 3 Dark Lane

RELEVANT POLICIES: In accordance with s.38 (6) Planning and Compulsory Purchase Act (2004), the application is to be determined in accordance with the development plan (the Central Lancashire Core Strategy, the Adopted Chorley Local Plan 2012-2026 and adopted Supplementary Planning Guidance), unless material considerations indicate otherwise. Consideration of the proposal has had regard to guidance contained within the National Planning Policy Framework (the Framework) and the development plan. The specific policies/guidance considerations are contained within the body of the report.

Suggested conditions

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

Reason: Required to be imposed by Section 51 of the Planning and Compulsory Purchase Act 2004.

2. The development hereby permitted shall be carried out in accordance with the approved plans below:

Title	Plan Ref	Received On
Site Location Plans, as Approved and Proposed	(S)2-01-PP Rev A	16 December 2019
Site Plans, as Approved and Proposed	(S)2-02-PP Rev A	16 December 2019
Basement and Ground Floor Plans, as Proposed	(P)4-02-PP	14 November 2019
First Floor and Second Floor Plans, as Proposed	(P)4-03-PP Rev A	9 January 2020
North and South Elevations, as Proposed	(E)5-02-PP	14 November 2019
East and West Elevations - Roof Plan, as Proposed	(GA)3-02-PP Rev A	9 January 2020
Visibility Splay Site Plan	(S)2-03-PP Rev A	14 January 2020

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

3. No development shall take place until a scheme for the provision and implementation of a surface water drainage system to serve the development has first been submitted to and approved in writing by the Local Planning Authority. Such scheme shall include full details of the design and operation of any attenuation and flood storage measures; full details of the outlet to the Canal and discharge rates; and details of the long-term management and maintenance arrangements for these and any other SUDS elements. The development shall hereafter only be carried out in accordance with the approved scheme.

Reason: These details need to be provided prior to development taking place to ensure that surface water from the site is disposed of in a safe and appropriate manner which minimises the risk of flooding and ensures the integrity of the canal and to comply with the advice and guidance contained within the National Planning Policy Framework.

4. No development (including site clearance) shall take place until a Risk Assessment and Method Statement outlining all works to be carried out adjacent to the canal has been submitted to and approved in writing by the Local Planning Authority. The details shall:

- include a structural assessment of the impact of the building on the canal to demonstrate that additional loads from the permanent or any temporary works, plant and machinery or storage of materials would not harm the structural integrity of the canal infrastructure;
- provide cross sections showing the distance from the canal to the road; proposed building; retaining structures and their foundations and include relative levels;
- include the design, depth and means of construction of the foundations of the buildings, together with any other proposed earthmoving and excavation works required in connection with demolition or construction of the building;
- details specifying how the canal will be protected during the works and include any details of proposed protective fencing to be erected to safeguard the waterway infrastructure during construction;
- include the steps to be taken to prevent the discharge of silt laden run-off, materials or dust or any accidental spillages entering the canal and the details shall also include the siting of temporary stockpiled materials on the site.

The development shall only be carried out in strict accordance with the agreed Risk Assessment and Method Statement.

Reason: These details need to be provided prior to development commencing to protect the structural stability of the canal infrastructure which could be adversely affected by the development and to accord with the advice and guidance relating to land stability contained in the National Planning Policy Framework and policy BNE7 of the Chorley Local Plan.

5. Prior to the construction of the dwelling, samples of all external facing and roofing materials (including the type, coursing and jointing of the natural stone to be used in the construction of the external faces of the dwelling), notwithstanding any details shown on previously submitted plan(s) and specification, shall be submitted to and approved in writing by the Local Planning Authority. All works shall be undertaken strictly in accordance with the details as approved.

Reason: These details need to be provided prior to construction commencing to ensure that the materials used are visually appropriate to the locality.

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

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

7. Before any fences, walls or gates are erected, 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. The dwelling shall not be occupied until all fences and walls shown in the approved details have been erected in conformity with the approved details.

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

8. Before the construction of the dwelling 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.

Reason: These details need to be provided prior to the construction of the dwelling to protect the appearance of the locality and in the interests of the amenities of local residents.

9. The permitted dwelling shall not be occupied or used until the vehicular access, parking and manoeuvring areas have been constructed in accordance with the approved plans.

Reason: In the interests of highway safety.

10. A scheme for the landscaping of the development shall be submitted prior to the occupation of the dwelling. 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 and proposed finished levels. All soft landscape works shall be carried out in accordance with the approved details within the first planting and seeding seasons following the occupation of the dwelling 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.

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.

11. Notwithstanding Schedule 2 Part 1 Class A, B and E and Part 2 Class A of the Town and Country Planning (General Permitted Development) Order 2015 or any subsequent re-enactment thereof no extensions or alterations to the dwellings, outbuildings (including sheds, garages, and greenhouses), walls and fences, or any other works permitted by the aforementioned classes shall be constructed or erected other than those expressly authorised by this permission.

Reason: The design of the property has been carefully considered, both in design terms and its impact on neighbouring properties. The rear of the property is also open to public views. These classes of permitted development have been removed so that any subsequent extensions under these classes can be controlled to ensure they are acceptable in design terms and in terms of impact on the neighbouring properties. Also, to enable the Local Planning Authority to assess the impact of such proposals on the stability of the canal wall on the western boundary of the application site in the interests of minimising the risk of creating land instability arising from any adverse impacts from foundation construction, earthmoving, excavations or other construction works.

12. The dwelling is required to achieve a minimum Dwelling Emission Rate of 19% above 2013 Building Regulations.

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

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

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

14. Before construction on the site commences, details of facilities by which means the wheels of vehicles may be cleaned before leaving the site shall be submitted to and agreed in writing by the Local Planning Authority. The approved details shall be retained during the full period of construction.

Reason: To avoid the possibility of the public highway being affected by the deposit of mud and/or loose materials thus creating a potential hazard to road users.

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

Reason: To secure proper drainage.