

## **APPLICATION REPORT – 20/00277/FUL**

**Validation Date: 12 March 2020**

**Ward: Pennine**

**Type of Application: Full Planning**

**Proposal: Erection of 2no. semi detached bungalows**

**Location: Land Adjacent To 26/28 Spring Crescent Whittle-Le-Woods**

**Case Officer: Mr Iain Crossland**

**Applicant: Mr David Tranter**

**Agent: Mr David Perry, Extended Design Limited**

**Consultation expiry: 21 June 2020**

**Decision due by: 30 June 2020 (Extension of time agreed)**

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### **RECOMMENDATION**

1. It is recommended that the application is approved subject to conditions.

### **SITE DESCRIPTION**

2. The application site is located on a corner plot between nos. 26/28 to the north and no.24 Spring Crescent to the west and is within the village of Whittle-le-Woods. The site is currently used as an area of informal open space consisting of tended grassed area and shrubs and trees to the periphery, although it is noted that these have been cut back dramatically or removed altogether over recent weeks. The site has in the past, and until recently, been maintained and used on an informal basis by local residents of Spring Crescent. The site backs-on to the A674, which is a major highway and is located to the south eastern boundary of the site. There are residential properties clustered around this part of the A674, although very few have a street frontage and mostly back onto this thoroughfare.
3. It is noted that planning permission was granted in November 2019 for the erection of a detached bungalow on this site and that this consent remains extant.

### **DESCRIPTION OF PROPOSED DEVELOPMENT**

4. This application seeks full planning permission for the erection of two semi-detached bungalows, in the position of the previously approved bungalow with vehicle access directly off Spring Crescent.

### **REPRESENTATIONS**

5. Representations have been received from the occupiers of two addresses citing the following grounds of objection:
  - Lack of parking
  - Impact on highway safety
  - The position of utilities/services and drainage are inconveniently positioned on or next to other peoples properties.

- The site area is incorrect and includes highway land.
- Trees have been felled and hedges removed during nesting season
- There is major gas pipe running in the direction of the site
- Those removing the trees and hedges were rude to local residents and fly tipped the waste on Moss Lane
- No building plans have been submitted with the plans
- There is a high dwelling to plot ratio
- The site falls within the 250m buffer of a landfill gas red site
- The site falls within a SSSI Impact risk zone

## CONSULTATIONS

6. Whittle le Woods Parish Council: Have commented that the removal of existing hedges to build a retaining wall along the boundary will decrease the biodiversity where new applications like this should look to increase the biodiversity.

These two properties are adjacent to the A674, Moss Lane junction and Blackburn Road junction controlled by traffic lights. The area must suffer from air pollution. Traffic noise especially with motor bikes can be deafening.

2.8 metre high boundary fence at the rear, along the footpath is far too tall and will be unsightly in this area which is in the green belt.

Single bedroom bungalows are not in character with all other family properties on Springs Crescent.

Two properties create over development on this small site.

7. Lancashire County Council Highway Services: Have no objections.
8. United Utilities: Have objected to the layout proposed and require further information from the applicant to highlight the location of the water main in relation to the proposed dwelling.
9. Waste & Contaminated Land: Have confirmed that they have no comments to make.

## PLANNING CONSIDERATIONS

### Principle of development in the Green Belt

10. The application site is located within the Green Belt at Whittle le Woods. National guidance on Green Belt is contained in Chapter 13 of the National Planning Policy Framework (The Framework) which states:

*133. The Government attaches great importance to Green Belts. The fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open; the essential characteristics of Green Belts are their openness and their permanence.*

*134. Green Belt serves five purposes:*

- a) to check the unrestricted sprawl of large built-up areas;*
- b) to prevent neighbouring towns merging into one another;*
- c) to assist in safeguarding the countryside from encroachment;*
- d) to preserve the setting and special character of historic towns; and*
- e) to assist in urban regeneration, by encouraging the recycling of derelict and other urban land.*

*143. Inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances.*

144. When considering any planning application, local planning authorities should ensure that substantial weight is given to any harm to the Green Belt. 'Very special circumstances' will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations.

145. A local planning authority should regard the construction of new buildings as inappropriate in Green Belt. Exceptions to this are:

e) limited infilling in villages.

11. The application site is located outside the settlement area of Whittle le Woods and falls to be considered as an 'other place' when considering the location of development in relation to Policy 1 of the Core Strategy. Policy 1(f) of Core Strategy Policy 1 reads as follows:  
*"In other places – smaller villages, substantially built up frontages and Major Developed Sites – development will typically be small scale and limited to appropriate infilling, conversion of buildings and proposals to meet local need, unless there are exceptional reasons for larger scale redevelopment schemes."*

12. Policy HS7 of the Chorley Local Plan 2012 - 2026 deals specifically with rural infilling and provides a definition of infill development, which states as follows:

*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.*

13. The first issue to address in assessing whether a proposal can be considered for limited infilling is whether or not the site is located within a village. The site is located in an area of Whittle le Woods that includes a number of houses laid out in cul-de-sacs and along the main highways. There is also a public house, hotel and leisure centre / gymnasium. This was accepted as constituting a village at the time of the previous planning assessment carried out under planning application ref. 17/00815/FUL.

14. Spring Crescent represents a built-up street frontage in the form of a cul-de-sac and is not, therefore, a linear development typical of proposals for infill development. The proposed development would infill a corner plot / gap within that frontage between nos. 26/28 and no.24 Spring Crescent. The proposed dwellings, as shown on the submitted layout plan, would not extend the existing frontage as it would form a logical connection within the cul-de-sac itself. The property is bound to the south east by the A674, beyond which are further residential properties, although the cul-de-sac of Spring Crescent is a separate development that is discrete from the A674. On this basis it is considered that the proposed development would fill a small gap in an otherwise built-up street frontage.

15. Furthermore, the site was considered to be an infill plot at the time of the previous planning assessment carried out, which carries significant weight in the assessment of this application.

16. As such it is considered that the site is located within a village and that the proposed development would constitute infill development, which would not be inappropriate development within this Green Belt location, in accordance with the Framework, Policy 1(f)

of the Central Lancashire Core Strategy and policy HS7 of the Chorley Local Plan 2012 - 2026.

17. With regards to the status of the land as public open space, policy HW2 of the Chorley Local Plan 2012 – 2026 seeks to protect such areas, unless:
  - a. Alternative facilities of an equivalent or enhanced standard are provided nearby before the existing facilities cease to be available; or
  - b. It can be demonstrated that the loss of the site would not lead to a deficit of provision in the local area in terms of quantity and accessibility; and
  - c. The site is not identified as being of high quality and/or high value in the Open Space Study; and
  - d. It can be demonstrated that retention of the site is not required to satisfy a recreational need in the local area; and
  - e. The site does not make a significant contribution to the character of an area in terms of visual amenity.
18. There is currently a surplus of open space provision within the Pennine ward and the quality of the site was not assessed by the Open Space Study as it is less than 0.2 hectares in area. It is considered, therefore, that criterion b and c of policy HW2 have been met. The site is located at the end of a small cul-de-sac and has in the past been looked after by local residents on an informal basis, however, this is not considered to represent a local recreational need in the sense that it is available to the general public for recreational purposes. Whilst it has been maintained and is part of the landscaping within the streetscene, given its small size, it is not considered to provide a significant contribution to the character of the area in terms of visual amenity. There is, therefore, no conflict with policy HW2 of the Local Plan.
19. In consideration of the above assessment and the extant planning permission for the erection of a bungalow on the site (ref. 17/00815/FUL) the proposed development is acceptable in principle.

#### Impact on character and appearance of the locality

20. The application site forms part of Spring Crescent, which is a discrete development of semi-detached and detached bungalows and dormer bungalows of standard modern design. The rear of the cul-de-sac is visible from the A674, which presents the most prominent aspect from public land, although it is noted that there is no active frontage along this highway in this location. As such, it is the interaction of the development site with Spring Crescent, which of greatest importance.
21. The proposed dwellings would be of a simple design style, faced in brick and render to match nearby properties. The height of the dwellings would be similar to the existing dormer bungalows, and they would face onto the cul-de-sac reflecting the character and layout of the estate. The dwellings would be of a stepped form in order to fit the shape of the site and reflect the position in a corner plot. Although there would be a smaller amount of outdoor amenity space when compared with other properties on the cul-de-sac, this would not have a detrimental impact on the appearance of the development, such that it would be harmful to the character of the area. Furthermore, the proposed development is similar to the extant planning permission in its form and character.
22. It is noted that trees and shrubs have been removed from the site in advance of the planning assessment. This is regrettable, as such features could have been incorporated within the development to soften the appearance. However, this landscaping was not protected and, therefore, its loss could not have been prevented.
23. There is a levels difference between the site and the highway at the A674 to the south and east. As such, it is understood that a retaining structure has been requested by LCC during the development of the scheme. This would appear to have initiated the removal of landscaping along this boundary and it is proposed that a 2.8m high boundary fence is

constructed on the highway side of the retaining wall. The proposed boundary fence on this boundary would comprise low level treated timber horizontal open boarding to 1.2m high with a 1.6m high close boarded vertical timber panel fence atop. Although this would initially appear as a rather stark addition to the streetscene along the A674 it would weather over time and would reflect the height of the boundary between 26 Spring Crescent and the A674, albeit in different materials. In relation to the impact on the appearance of the A674 in this location it is noted that there is no active street frontage and that rear and side boundary fences are not uncommon.

24. It is considered, therefore, that the proposed development would not have a significant detrimental impact upon the surrounding area in terms of the criteria listed policy BNE1 of the Chorley Local Plan 2012 - 2026.

#### Impact on neighbour amenity

25. The proposed development has been designed so that there are no windows to habitable rooms directly facing windows to habitable rooms in nearby properties at 24, 26 and 28 Springfield Crescent. As such, there would be no harmful impact on privacy. The proposed dwellings would be positioned approximately 12m from 26 and 26 Springfield Crescent and approximately 14m from 24 Springfield Crescent. Given the degree of separation and scale of the proposed development being bungalows, it is considered that there would be no harmful impact on outlook or light.
26. The proposed dwellings themselves would have an adequate internal area of approximately 60 square metres per dwelling, and whilst the outdoor amenity space would be limited there would be some useable outdoor space, with the benefit that the necessary maintenance requirements would be limited. Furthermore, it is noted that the Council does not have any minimum standards or policies relating to indoor or outdoor spaces.

#### Highways safety

27. Planning permission was granted in 2017 (17/00815/FUL) for the erection of a two bedroomed detached bungalow on the site and remains extant. The current proposal is on almost the same footprint as the previously approved scheme but involves two semi-detached bungalows with a single bedroom in each property with a total of 2no. frontage car parking spaces as previously approved. This complies with the parking standards specified in policy ST4 of the Chorley Local Plan 2012 – 2026.
28. Unlike the previously approved application, which sought to retain the existing vegetation on the east boundary of the site along the footpath on Millennium Way, the current application proposes to remove the vegetation and in place construct a 1.2m high retaining wall in extension to that of the adjacent 26 Spring Crescent to tie-in with the retaining wall on Moss Lane, which adjoins the site to the south. In addition, the applicant proposes to erect a 2.8m high close boarded timber fence behind the proposed retaining wall.
29. As previously approved, access to the site would be from Spring Crescent where a new vehicular dropped crossing would be provided on the radius of the existing turning area. LCC Highways raised no objection to the previously approved application and the current proposal contains no major changes as to warrant a shift in the LCC Highways stance, as such, they have confirmed that the current proposal is acceptable.

#### Public open space

30. Policy HS4 of the Chorley Local Plan 2021-2026 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.
31. 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.

32. 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.
33. 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.
34. It is considered that the benefit of securing a public open space contribution on the basis of two new dwellings 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.
35. Therefore, a public open space commuted sum is not requested for this scheme.

#### Sustainability

36. 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 1<sup>st</sup> 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:
  37. *“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.”*
  38. *“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.”*
39. Given this change, instead of meeting the code level, the new build 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.

#### Community Infrastructure Levy (CIL)

40. 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.

#### United Utilities objection

41. United Utilities object to the layout proposed and require further information from the applicant to highlight the location of the water main in relation to the proposed dwelling. However, this was clarified with United Utilities as part of the previous planning application (ref. 17/00815/FUL), which resulted in a very similar development footprint and remains extant. The location of the pipeline was identified to the southern boundary of the site, and the proposed development is no closer to this pipeline than the previously approved development.
42. In addition to the above, should this application be approved and the applicant wishes to progress a Section 104 agreement, no construction can commence until the detailed drainage design, submitted as part of the Section 104 agreement, has been assessed and accepted in writing by United Utilities. Any works carried out prior to the technical assessment being approved would be done so entirely at the developers own risk and could be subject to change. The applicant has been made aware of these comments.

#### Other matters

43. The position of utilities/services and drainage are inconveniently positioned on or next to other peoples' properties: Connections to utilities assets would be carried out under separate legislation and would result in temporary impacts that cannot be assessed a part of this planning application.
44. The site area is incorrect and includes highway land: LCC Highways have checked the proposed site plan and location plan and do not have any concerns with regards to any encroachment of highway land.
45. There is a major gas pipe running in the direction of the site: No pipelines are identified on the Council's constraints map, however, if any such pipeline were identified that would be impacted upon by the development this would be a matter for the developer to resolve with the relevant statutory body.
46. Those removing the trees and hedges were rude to local residents and fly tipped the waste on Moss Lane: This is most regrettable. LCC were made aware of the fly tipping on highway land.
47. No building plans have been submitted with the plans: The proposed plans are adequate in order to identify what development that is being proposed through the application and allow for an assessment of the impacts to be carried out.
48. The site falls within the 250m buffer of a landfill gas red site: This means that the site is within 250m of the Great Knowley / Gorse Hall Quarries where landfill activities have taken place. The Environment Agency were consulted on this basis at the time of application ref. 17/00815/FUL and confirmed that they had no comment to make. The Council's contaminated land officer has also confirmed that he has no comments to make.
49. The site falls within a SSSI Impact risk zone: This buffer zone covers the entire Borough and requires additional consultation of for certain types of development in certain areas in relation to the impact on Sites of Special Scientific Interest (SSSI). The proposed development does not fall into any of the categories requiring additional consultation in relation to SSSI impacts.

## CONCLUSION

50. The proposed development is not considered to represent inappropriate development in the Green Belt as it represents an infill plot within a village, and benefits from a previous planning permission that remains extant. The proposed development is also acceptable in terms of its design and impact upon the amenity of neighbouring residents. The proposal complies with the National Planning Policy Framework the policies of the Chorley Local Plan 2012 – 2026 and it is, therefore, recommended that the application is approved.

## RELEVANT HISTORY OF THE SITE

**Ref:** 17/00815/FUL      **Decision:** PERFPP      **Decision Date:** 8 November 2017  
**Description:** Erection of detached bungalow

**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
Location Plan	1976/100	12 March 2020
Proposed Elevations	1976/101	12 March 2020
Proposed Ground Floor Layout Apartment 1	1976/102	12 March 2020
Proposed Ground Floor Layout Apartment 2	1976/103	12 March 2020
Proposed Boundary Details	1976/107	13 May 2020

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

3. A scheme for the landscaping of the development and its surroundings shall be submitted prior to the first occupation of the development. These details shall include 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.

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.

*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.*

4. No development shall take place until a scheme for the provision and implementation of a surface water regulation system has been submitted to and approved in writing by the Local

Planning Authority. No part of the development shall be occupied until the scheme has been implemented in accordance with the approved plans.

*Reason: To secure proper drainage and to prevent flooding. This is required to be pre-commencement as drainage systems typically are required to be integrated with the groundworks*

5. No development shall take place 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:

- 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
- vi. measures to control the emission of dust and dirt during construction
- vii. a scheme for recycling/disposing of waste resulting from demolition and construction works.

*Reason: In the interests of highway safety and to protect the amenities of the nearby residents. This is required to be a pre-commencement condition as the scheme relates to the control of construction activities.*

6. All new dwellings are 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.*

7. 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.

*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.*

8. 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.

*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.*

9. Prior to their installation, 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.

*Reason: To ensure that the materials used are visually appropriate to the locality.*

10. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (Schedule 2, Part 2, Class A) (or any Order revoking and re-enacting that Order) no fences, gates or walls shall be erected within the curtilage of any dwelling hereby permitted (other than those expressly authorised by this permission).

*Reason: In the interest of public health and to ensure protection of the public water supply*

11. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (Schedule 2, Part 1, Classes A and E) or any subsequent re-enactment thereof no extension to the dwelling(s), porch, garden shed, greenhouse, garage or car port shall be erected nor any hardstanding area extended other than those expressly authorised by this permission.

*Reason: In the interest of public health and to ensure protection of the public water supply.*