

APPLICATION REPORT – 20/00116/FUL

Validation Date: 30 March 2020

Ward: Wheelton And Withnell

Type of Application: Full Planning

Proposal: Erection of 4no. detached dwellings, including access to Blackburn Road

Location: Land Between 386 And 392 Blackburn Road Higher Wheelton

Case Officer: Amy Aspinall

Applicant: Mr Lee Walsh

Agent: N/A

Consultation expiry: 8 July 2020

Decision due by: 13 August 2020 (Extension of time agreed)

RECOMMENDATION

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

SITE DESCRIPTION

2. The application site is comprised of an L-shaped plot of grassland located between 386 and 392 Blackburn Road and extends to the rear behind the properties of 378 to 386 Blackburn Road. The site falls wholly within the settlement boundary of Higher Wheelton, as defined by the Chorley Local Plan Policies Map.

DESCRIPTION OF PROPOSED DEVELOPMENT

3. The application seeks full planning permission for the erection of 4no. detached dwellings, including the provision of access to Blackburn Road

REPRESENTATIONS

4. 1no. representation has been received citing the following grounds of objection:

Highway safety:

- access too close to junction of Bett Lane and Blackburn Road on the same side, and too close to the opposing junction of Lawton Close with Blackburn Road
- access to and egress from the proposed site be unsafe for vehicles, but also for pedestrians
- access would result in loss of parking spaces for residents resulting in more on-road parking which is already an issue on busy 1674

Amenity:

- Overlooking / loss of privacy of 384 Blackburn Road due to three storeys and high-level gable windows
- Overshadowing due to change in ground levels and casting shadows over existing gardens.

Plans:

- Plans do not show location of existing properties, floor levels, eaves and ridge heights of proposed dwellings

Drainage:

- 384 is considerably lower than application site and concerns that this would increase the risk of flooding from surface water

Trees:

- Proposed access would impact on 4no trees, subject to Tree Preservation Orders – damage the trees and root systems

CONSULTATIONS

5. Lancashire County Council Highway Services: In their latest comments of 15 July, LCC confirm that the proposal is now acceptable and recommended conditions in relation to a scheme for the construction of the access and off-site works (essentially s278)
6. United Utilities: Have no objection – drainage conditions are advised.
7. Wheelton Parish Council: Have objected to the proposal on the grounds of the access being part of the layby indent (which would deprive existing residents of parking space where they are already at a premium). It would create a dangerous junction at a site which is already considered dangerous by residents, the junction of Bett Lane and the A674.

They also comment that none of the elevations for any of the 4 plots make any allowance or mention for energy self sustainability by incorporating solar voltaics in the roof pitches, or grey water collection for sanitation services. If any such developments were to be allowed the Parish Council have commented that all currently available 'green' technologies need to be incorporated within the detailed plans.

8. CIL Officers: Comment that the development is CIL liable.

PLANNING CONSIDERATIONS

Principle of development

9. It should be noted that the acceptability of the principle of residential development has already been established on this site, and remains an acceptable one having regard to the prevailing planning policies and material considerations.
10. The National Planning Policy Framework (The Framework) sets out 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.
11. At paragraph 68 the Framework recognises that small and medium sized sites can make an important contribution to meeting the housing requirement of an area, and are often built-out relatively quickly. To promote the development of a good mix of sites Local Planning Authorities are advised to, among other things, support the development of windfall sites through their policies and decisions – giving great weight to the benefits of using suitable sites within existing settlements for homes.
12. The Framework is clear that decisions should apply a presumption in favour of sustainable development and, therefore, the small-scale development of this site, which is situated within a defined settlement, should be considerably favourably.
13. The site is located within the defined settlement of Higher Wheelton, where policy V2 of the Chorley Local Plan 2012 – 2026 sets out a presumption in favour of appropriate sustainable development, subject to material planning considerations and compliance with other Development Plan policies.

14. Higher Wheelton is not specified as an area for growth within the Central Lancashire Core Strategy Policy 1 and falls to be considered as an 'other place'. Criterion (f) of the Central Lancashire 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."
15. The principle of the development is acceptable, subject to other considerations as set out in this report.

Design

16. The application proposes 4no. detached dwellings with a single dwelling having a garden frontage to Blackburn Road. The other 3no. dwellings would be located to the rear of the site and positioned around the turning head in a cul-de-sac arrangement. A similar layout has already been approved previously under various planning permissions, albeit the current application has a reduced number of dwellings.
17. Plot one would be two storeys in height with a simple cottage style appearance with feature porch. The other plots would have a more modern design, adding variation to the development and would increase to two and a half storeys, with accommodation in the roofspace. There is no set pattern of development or design of properties in the locality with varying architectural styles and house types, and therefore, it is not considered that the overall design would be harmful to the character of the area.
18. The proposal is considered to accord with policy BNE1 Chorley Local Plan 2012 – 2026 in respect of design matters.

Impact on neighbour amenity

19. Plot 1 would be sited adjacent to 392 Blackburn Road and 2no. dwellings have already been approved in this location previously. The proposed dwelling would be approximately 0.5 metres taller than the previously approved dwelling, and it not considered that the current scheme would give rise to adverse impacts on the residential amenity afforded to the occupiers of 392 Blackburn Road, over and above the extant permission .
20. Plot 4 would be situated adjacent to the 'Annex' of 378 Blackburn Road which has a rear facing window. The approved plans of this garage conversion do however, show a rear facing window which serves an open plan room which also benefits from an additional window with an outlook towards the garden. Development has already been approved in this location, and permitted development rights allow for a 2 metre high boundary to be erected immediately outside this window. Overshadowing is likely to occur to the garden of 378 in the morning, given the orientation, however, this is not considered to be significantly adverse to warrant refusal of the application, particularly given the existing permissions. The outlook from this property and other surrounding properties would also change considerably given the existing open nature of the site at the moment, however, adequate separation distances are achieved, and a larger scale residential development has already been approved on this site.
21. Adequate separation distances would be achieved between other neighbouring properties and it is not considered that the proposed development would give rise to significantly detrimental impacts on the residential amenity afforded to the occupiers of adjacent properties, by virtue of overlooking, loss of privacy, overshadowing or overbearing effects.
22. Future occupiers of the development would benefit from acceptable living conditions and separation between plots, and gardens would be of an adequate size to carry out day-to-day domestic activities.
23. The proposal is considered to accord with policy BNE1 of the Chorley Local Plan 2012 - 2026 in respect of amenity considerations.

Highway safety

24. Revised plans have been submitted since the application was originally submitted to address the objection initially raised by Lancashire County Council Highways in respect of the proposed access drawing and the parking provision. The proposal now demonstrates an acceptable access connecting to Blackburn Road, including footway along the internal road. Parking provision for each plot is provided in accordance with the Council's standings of 3no spaces for a 4 plus bed roomed dwellinghouse.
25. A neighbouring objection has raised concerns in relation to highway safety impacts of the access and also displacement of parking for existing residents, however LCC Highways raise no objection to the proposal and confirm that it is acceptable. It should also be noted that permission has previously been granted for up to 8no. dwellings on this same site, including a further two at the front and, therefore, the traffic generated with the current development is likely to be significantly lower than the other approved schemes.
26. In the absence of any objection from LCC Highways, it is considered that the proposal is acceptable in highways safety terms and accords with policy BNE1 of the Chorley Local Plan 2012 - 2026 in respect of highway safety matters.

Trees

27. There are 4no. protected trees (TPOs) towards the front of the site and the proposed access and road would be located between the trees. An access in this location has already been approved previously under outline planning permission 16/00575/OUT with conditions controlling tree protection and final details of a 'no-dig' construction technique. The same tree report has been submitted within this planning application and the same principles apply. Suitable conditions would ensure the wellbeing of the existing trees are protected as part of the development and during construction.

Public open space

28. 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.
29. Until recently, National Planning Practice Guidance (NPPG) previously set out that planning obligations should not be sought from developments of 10 or less dwellings. Based on local circumstances, the Council, as the decision-maker, decided to only seek contributions towards provision for children/young people on developments of 10 dwellings or less. However, where no projects are identified with the catchment, the Council cannot secure any financial contributions.
30. Therefore, a public open space commuted sum is not requested for this scheme.

Sustainability

31. 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.”

32. 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 could be controlled by a condition.

Drainage

33. This would be controlled by way of condition.

Community Infrastructure Levy

34. 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

35. The application proposes an acceptable form of development, within a sustainable settlement location and would make a contribution to the Council's Housing Land Supply. The Framework is clear that great weight should be afforded to these benefits. Highway matters have been satisfied through the submission of revised plans and the no other significant detrimental harm has been identified to warrant refusal of this application. The application is recommended for approval, subject to conditions.

RELEVANT HISTORY OF THE SITE

Ref: 14/00601/OUT **Decision:** PERFPP **Decision Date:** 27 March 2015
Description: Outline application (all matters reserved apart from access and layout) for two residential dwellings

Ref: 16/00575/OUT **Decision:** PEROPP **Decision Date:** 13 September 2018
Description: Outline application for the erection of 8 dwellings (with all matters reserved save for access and layout)

Ref: 18/00240/REM **Decision:** PERRES **Decision Date:** 20 July 2018
Description: Reserved matters application pursuant to outline planning permission 14/00601/OUT (Outline application (all matters reserved apart from access and layout) for two residential dwellings). Details of appearance, scale and landscaping to be considered

Ref: 19/00237/OUT **Decision:** PEROPP **Decision Date:** 13 May 2013
Description: Section 73 application to remove Condition 3 (affordable housing) attached to planning permission 16/00575/OUT (Outline application for the erection of 8 dwellings (with all matters reserved save for access and layout)

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

36. To follow