

## APPLICATION REPORT – 21/00261/FUL

**Validation Date: 5 March 2021**

**Ward: Chorley South West**

**Type of Application: Full Planning**

**Proposal: Erection of 3no. dwellings (comprising of 1no. detached dwelling house and 1no. pair of semi-detached dwellings) with access to Long Meadows**

**Location: Land Adjacent 69-70 Long Meadows Chorley**

**Case Officer: Amy Aspinall**

**Applicant: Mr Hammond, Hammond Homes**

**Agent: Mr David Winstanley, Peter Dickinson Architects**

**Consultation expiry: 20 May 2021**

**Decision due by: 11 August 2021 (Extension of time agreed)**

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### UPDATE

### RECOMMENDATION

It is recommended that planning permission is refused for the following reason:

1. The proposed development would result in the loss of existing protected open space which makes a significant contribution to the character of the area in terms of visual amenity. The proposed development is, therefore, contrary to policy HW2 of the Chorley Local Plan 2012 – 2026.

Members will recall that this application was withdrawn from agenda for the Planning Committee meeting on 13 July 2021 in order for the applicant to have the opportunity to address the recommended reasons for refusal. A copy of the original report is provided below

Since this time the proposal has been amended as follows:

- A landscaped zone has been added to the rear of plots 1 and 2 adjacent to the existing footpath which links Longfield Manor / Lakeland Gardens
- There has been a substitution of house type for plot 3 with a frontage to Long Meadows
- The boundary fencing to plot 3 with has been set back to create a more open frontage
- Separate vehicle access to plot 3 is now proposed with provision of 1no. parking space to frontage

The report is updated as follows:

#### Existing open space

The application site is designated as existing open space under policy HW2 (Protection of Existing Open Space, Sport and Recreational Facilities) of the Chorley Local Plan 2012 -2026. The application site is comprised of two parcels of land designated under policy HW2 – land adjacent to 70 Long Meadows and land adjacent to 24 Longfield Manor.

Policy HW2 seeks to protect land currently or last used as open space unless alternative provision is made under criterion a) or all of criteria b) to e) are satisfied as set out elsewhere in the original committee report.

The National Planning Policy Framework defines open space as:

All open space of public value, including not just land, but also areas of water (such as rivers, canals, lakes and reservoirs) which offer important opportunities for sport and recreation and can act as a visual amenity.

The Council's Open Space study (2019) defines amenity green space as:

Opportunities for informal activities close to home or work or enhancement of the appearance of residential or other areas.

The applicant has provided further information in respect of the designation of the site as open space.

It states that the site conditions and characteristics offer opportunities for unwanted activities, anti-social behaviour, littering and dog fouling. The site characteristics are;

- a. Overgrown vegetation,
- b. Narrow spaces between residential areas (pinch points) which limit the potential for recreational activities,
- c. Relatively small site area – which limit the potential for walking, interspersed by land owned by the Duchy of Lancaster – resulting in limited scope of improvement,
- d. Not overlooked by neighbouring properties with many concealed areas making it suitable for antisocial behaviour within the close proximity to existing dwellings.
- e. Excessive litter and dog fouling.

The report further states the following:

That the site does not present a recreational use to the general public other than for purposes detrimental to the amenity of neighbouring properties; and provides no recreational benefit to the local area due to its physical characteristics and provision of large open spaces within the local vicinity.

As a result of the attractiveness of the site for antisocial behaviour, littering and dog fouling it cannot be considered to be a significantly positive contributor to the character of the area. The site is of little aesthetic or natural quality and is akin to scrub land more so than an area which enhances the appearance of the general area. The open aspect link between Lakeland Gardens and Longfield Manor shall be retained and enhanced with a formal landscaped buffer zone created between the footpath and boundary to plots 1 and 2.

Open green areas are retained within the development site which through the proper management and maintenance will enhance the visual quality of the site. These areas are; the landscaped zone along the footpath between Longfield Manor and Lakeland Gardens, the area of trees retained at the end of the turning head between Plot 3 and no. 70 Long Meadows, the land under the ownership of the Duchy of Lancaster (to the rear of plot 3 and no. 8 – 11 Lakeland Gardens), and the garden spaces to the rear of the car parking for plot 2 and the north-west of the garage for plot 3. Whilst these areas may be smaller in size by virtue of their private ownership and inclusion within the residential boundaries of the proposed dwellings they will be maintained to a greater standard and will provide a significantly greater contribution to the visual quality of the surrounding area.

Policy HW2 criteria e) states that the site should not make a significant contribution to the character of the area. As identified above the low visual quality of the site and its attractiveness for antisocial activities means that it cannot be classed as a significant contributor to the character of the area. For this reason, along with enhancements to visual amenity as a result of the proposed development, the application can only be determined to comply with criteria e).

**Officer comment:**

In respect of criteria d) of policy HW2 it is considered that the applicant has demonstrated that the retention of the site is not required to satisfy a recreational need in the local area.

In respect of criteria (e) the conclusions of the original report remain in that the site is protected amenity greenspace which, by definition, enhances the appearance of residential or other areas.

It is recognised that the site does have areas which are overgrown, however, it is not considered that the vegetated state of the site detracts from the area, as it does not necessarily have to be a managed landscaped area.

At the time of officer site visit, the site was not in a littered state. Notwithstanding this, it is the responsibility of the landowner to maintain the site in a tidy state.

The site provides green buffer between the residential development of Long Meadows and Longfield Manor and Lakeland Gardens. It forms an open area to the head of Long Meadows which adds character to the streetscene in terms of visual amenity.

It is considered that whilst the site is small, it does make a significant contribution to the character of this built up area in terms of visual amenity.

The proposal is, therefore, contrary to policy HW2.

Impact on the character and appearance of the area

Following the receipt of amended plans, this section of the original committee report is updated as follows:

It remains that the application site is designated as existing open space which makes a contribution to the visual amenity of the area and is an attractive feature of Long Meadows and the pedestrian link between Longfield Manor / Lakeland Gardens. The proposal would result in the loss of this existing open space and would entail the development of the whole site for residential purposes, albeit a landscape is now proposed to the rear of plots 1 and 2, adjacent to the existing footpath which runs between Longfield manor and Lakeland Gardens.

The application proposes 3no. dwellings in total, with a shared access and driveway off Long Meadows to serve all three properties, in addition to a separate dedicated access to plot 3. The site is an irregular shape and the original scheme presented a layout where the proposed dwellings faced into the site and the development turned its back onto Long Meadows. The type of proposed boundary treatment to the rear of plots 1 and 2 and its position abutting the footpath was also considered to be oppressive.

In order to attempt to overcome the design issues, the plans have been amended and the house type on plot 3 has been substituted and would now front Long Meadows, providing a more attractive and open frontage to the head of Long Meadows. The rear gardens of plots 1 and 2 have been reduced and the boundary fencing has been set further into the site in order to incorporate a landscaped zone adjacent to the existing footpath. It is considered that this would alleviate concerns in relation to the proposed development creating an oppressive environment for users of the footpath.

The two storey height and general appearance of the proposed dwellings remains acceptable in this location.

The key issue, however, remains that the application site is designated amenity green space which is considered to make a significant contribution to the character of this built up area in terms of visual amenity. The proposed development would result on the loss of this open space which is considered to be harmful to the character and appearance of the area.

### Impact on neighbouring amenity

The assessment of amenity in respect of plots 1 and 2 remains as per the original report and whilst the proposed gardens have been reduced in size to accommodate a landscaped zone, they remain of an adequate size for future occupiers to carry out day-to-day domestic activities. In respect of plot 3, the side facing elevation (east) proposes a first floor bedroom window. However, the garden depth at this point is approximately 14 metres, and the elevation does not directly face any other habitable windows. The garden depth is adequate to ensure that the private amenity space of 70 Long Meadows is safeguarded from adverse impacts of overlooking or loss of privacy.

Plot 3 has no first floor rear facing habitable windows and is in excess of 19 metres from the properties of Lakeland Gardens.

In amenity terms, the proposed development would not adversely affect neighbouring residential properties and would afford an acceptable standard of amenity for future occupiers. The proposal accords with policy BNE1 of the Chorley Local Plan 2012 – 2026 in respect of amenity.

### Impact on ecological interests

Policy BNE9 (Biodiversity and Nature Conservation) of the Chorley Local Plan 2012 – 2026 stipulates that Biodiversity and Ecological Network resources will be protected, conserved, restored and enhanced; and that priority will be given to, among other things, protecting, safeguarding and enhancing habitats for European, nationally and locally important species.

The application is accompanied by an ecological appraisal which has been assessed by the Council's appointed ecologists at Greater Manchester Ecology Unit (GMEU). The ecological appraisal has assessed the site for all likely protected species, such as bats, great crested newts and badger; and no evidence of any such species was found. GMEU advise that they accept the findings of the report and that no further information or measures are required.

As the development would result in the loss of trees and scrub, which is potential bird nesting habitat, GMEU advise that a nesting bird condition should be attached to any permission and that mitigation for loss of bird nesting habitat should also be provided through provision of bird boxes on retained trees and the new build. This could also be secured by way of condition.

Having regard to the above, the proposal would not be detrimental to nature conservation interests and would accord with policy BNE9 of the Chorley Local Plan 2012 -2026.

### Highway safety

As the proposed scheme has been amended, LCC Highways have been re-consulted. An update will be provided on the Addendum following receipt of final comments from GMEU

## **CONCLUSION**

The proposed development would result in the loss of existing protected open space which makes a significant contribution to the character of the area in terms of visual amenity. The proposal is, therefore, contrary to policies HW2 and BNE1 of the Chorley Local Plan 2012 – 2026 and it is, therefore, recommended that the application is refused.

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## **ORIGINAL REPORT**

## **RECOMMENDATION**

1. It is recommended that planning permission is refused for the following reasons:

1. The proposed development would result in the loss of existing protected open space which makes a significant contribution to the character of the area in terms of visual amenity.

The proposed development is, therefore, contrary to policy HW2 of the Chorley Local Plan 2012 – 2026.

2. The proposed development would be harmful to the streetscene and would result in an oppressive environment to the existing footpath between Lakeland Gardens and Longfield Manor. The proposal is, therefore, contrary to policy BNE1 of the Chorley Local Plan 2012 – 2026.

## **SITE DESCRIPTION**

2. The application site is comprised of an irregular shaped parcel of land which sits between Long Meadows and Longfield Manor / Lakeland Gardens. The site is vegetated and has a footpath running through it, although this is not a formal public right of way. The site is designated as existing open space under policy HW2 of the Chorley Local Plan 2012 – 2026 and falls within the settlement boundary of Chorley, as defined by the Policies Map. The surrounding land use is predominantly residential.

## **DESCRIPTION OF PROPOSED DEVELOPMENT**

3. The application seeks planning permission for the erection of 3no. dwellings, comprising of 1no. detached dwelling house and 1no. pair of semi-detached dwellings. This would include vehicular access to Long Meadows with a shared driveway and parking to serve each property.

## **RELEVANT HISTORY OF THE SITE**

4. There is no recent relevant planning history.

## **REPRESENTATIONS**

5. 2no. representations have been received citing the following grounds of objection:
- No objections to the houses being built but concerns in relation to boundaries, levels of the land and access to the houses.
  - Changing the boundaries might mean that residents cannot access their driveway due to the access.
  - The land has been looked after and maintained over 20 years.
  - There are issues in relation to boundary alignment and land ownership.

## **CONSULTATIONS**

6. CIL Officers: Advise that this is a chargeable form of development.
7. Lancashire County Council Highway Services: Advise that the application is not acceptable.
8. United Utilities: Advise that the drainage scheme has not been based on the hierarchy of drainage options in the National Planning Practice Guidance and, therefore, request drainage conditions to reflect this approach.

## **PLANNING CONSIDERATIONS**

### Principle of development

9. The application site falls wholly within the settlement boundary of Chorley, as defined by the Chorley Local Plan Policies Map.

10. Policy 1 of the Central Lancashire Core Strategy (2012) seeks to focus growth and investment in certain areas, including the key service centre of Chorley.

11. Policy V2 (Settlement Areas) of the Chorley Local Plan 2012 – 2026 states that within the settlement areas excluded from the Green Belt, and identified on the Policies Map, there is a

presumption in favour of appropriate sustainable development, subject to material planning considerations and the other Policies and Proposals within this Plan.

12. The principle of the development is, therefore, acceptable subject to other considerations set out in this report.

#### Existing open space

13. The application site is designated as existing open space under Chorley Local Plan policy HW2 (Protection of Existing Open Space, Sport and Recreational Facilities). The application site is comprised of two parcels of land designated under policy HW2 – land adjacent to 70 Long Meadows and land adjacent to 24 Longfield Manor.

14. Policy HW2 seeks to protect land currently or last used as open space unless alternative provision is made under criterion a) or all of criteria b) to e) are satisfied. The criteria is:

a. Alternative facilities of an equivalent or enhanced standard are provided nearby before the existing facilities cease to be available; or

No alternatives have been put forward.

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

There is currently a surplus of amenity greenspace in Chorley South West ward and the loss of this site would not lead to a deficit in provision.

c) The site is not identified as being of high quality and/or high value in the Open Space Study; and

The site has not been assessed as part of the Open Space study as it falls below the threshold of 0.2 hectares and have less recreational value.

d) It can be demonstrated that retention of the site is not required to satisfy a recreational need in the local area; and

At the time of the site visit, parts of the site were fenced off with construction style temporary fencing, although the site was still accessible. It is not known how long the fencing has been in place, although the application submission contains photos of the site without any fencing and clearly shows a route through.

The mapping system identifies a footpath, and a route through the site from Long Meadows to Longfield Manor / Lakeland Gardens is visible, although it is not formally laid out and is not a public right of way. It is for the applicant to demonstrate that the site does not serve a recreational need and it is not considered that this has been satisfactorily demonstrated.

e) The site does not make a significant contribution to the character of an area in terms of visual amenity.

The application site functions as a green buffer between the residential development of Long Meadows and Longfield Manor and Lakeland Gardens. It forms an open area to the head of Long Meadows which adds character to the streetscene in terms of visual amenity. The site also provides an open aspect to the pedestrian link which extends from Longfield Manor to Lakeland Gardens which is enclosed on one side with boundary fencing, and the site contributes to making it a more attractive route. It is considered that whilst the site is small, it does make a significant contribution to the character of this built up area in terms of visual amenity.

15. The proposal is, therefore, contrary to policy HW2.

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

16. Policy BNE1 (Design Criteria for New Development) of the Chorley Local Plan 2012 -2026 stipulates that planning permission will be granted for new development, including extensions, conversions and free standing structures, provided the proposal does not have a significantly detrimental impact on the surrounding area by virtue of its density, siting, layout, building to plot ratio, height, scale and massing, design, orientation and use of materials; and that the layout, design and landscaping of all elements of the proposal, including any internal roads, car parking, footpaths and open spaces, are of a high quality and respect the character of the site and local area.

17. The application site is designated as existing open space which makes a contribution to the visual amenity of the area and is an attractive feature of Long Meadows and the pedestrian link between Longfield Manor / Lakeland Gardens. The proposal would result in the loss of this existing open space and would entail the development of the whole site for residential purposes.

18. The application proposes 3no. dwellings in total, with a shared access and driveway off Long Meadows. The site is an irregular shape with the proposed dwellings facing into the site. Plot 3 is a detached dwellinghouse and is situated to the head of Long Meadows in a prominent position. Given the siting of the proposed dwellinghouse, it would have a side-facing orientation towards the road, with the plan also showing a 1.8 metre high concrete post and timber panel fence along the boundary. The development would be seen as turning its back to Long Meadows, rather than integrating with its surroundings, and it is considered that the proposal would be harmful to the streetscene.

19. Plots 2 and 3 would be set back from Long Meadows and situated between 19 Lakeland Gardens and 24 Longfield Manor, but would be inward facing with the gardens backing on to the existing footway which runs between Longfield manor and Lakeland Gardens. The plans show that a 1.8 metre high concrete post and timber panel fence along the boundary with the footpath, which would create an oppressive environment for users of this footpath.

20. Whilst the two storey height of the dwellings and their general appearance is considered to be acceptable, for the reasons set out above, the proposed development is considered to be contrary to policy BNE1 of the Chorley Local Plan 2012 – 2026 in respect of design.

### Impact on neighbouring amenity

21. Policy BNE1 (Design Criteria for New Development) of the Chorley Local Plan 2012 -2026 stipulates that planning permission will be granted for new development, including extensions, conversions and free standing structures, provided that, where relevant to the development the proposal would not cause harm to any neighbouring property by virtue of overlooking, overshadowing, or by creating an overbearing impact; and that the proposal would not cause an unacceptable degree of noise disturbance to surrounding land uses.

22. Acceptable separation distances are achieved between the proposed dwellings and neighbouring properties in accordance with the Council's spacing standards, and no first floor habitable windows are positioned in such a way that it would cause overlooking or loss of privacy to neighbours.

23. Plot 2 would be sited behind the rear elevation of 19 Lakeland Gardens and would be two storeys in height. The 45-degree guideline is a useful tool when assessing the impact of proposals on neighbouring properties and enables a satisfactory relationship to be maintained. The proposal would be within the 45-degree guideline when measured from the nearest ground floor window.

24. Plot 1 would be set away from 24 Longfield Manor by approximately 8 metres and would not breach the 45-degree guideline.

25. Adequate private amenity space would be provided for each plot so that future occupiers can carry out day-to-day domestic activities.

26. In amenity terms, the proposed development would not adversely affect neighbouring residential properties and would afford an acceptable standard of amenity for future occupiers. The proposal accords with policy BNE1 of the Chorley Local Plan 2012 – 2026 in respect of amenity.

#### Highway safety

27. Policy BNE1 (Design Criteria for New Development) of the Chorley Local Plan 2012 -2026 stipulates that planning permission will be granted for new development, including extensions, conversions and free standing structures, provided that the residual cumulative highways impact of the development is not severe and it would not prejudice highway safety, pedestrian safety, the free flow of traffic, and would not reduce the number of on-site parking spaces to below the standards stated in Site Allocations Policy – Parking Standards, unless there are other material considerations which justify the reduction.

28. The application proposes vehicular access to the site from Long Meadows, with a shared driveway arrangement and dedicated parking for each plot. The plans show that each dwellinghouse would be served with 2no. parking spaces with plot 3 also benefitting from a detached garage.

29. Lancashire County Council Highways have assessed the application and have raised concerns regarding the safe access and egress for the proposed parking spaces of plot 1 due to the presence of an existing shed which partly falls within the application site and is shown on the proposed plans. The applicant states that 24 Longfield Manor have encroached onto the land, however, the occupier of this property disputes this. It should be noted that certificate A has been signed as part of the application and, therefore, the applicant is stating that they own the land. This matter is currently with the applicant to address and an update will be provided on the addendum.

30. LCC Highways do not raise any objections in relation to other highways matters.

#### Impact on ecological interests

31. Policy BNE9 (Biodiversity and Nature Conservation) of the Chorley Local Plan 2012 – 2026 stipulates that Biodiversity and Ecological Network resources will be protected, conserved, restored and enhanced; and that priority will be given to, among other things, protecting, safeguarding and enhancing habitats for European, nationally and locally important species.

32. An ecological appraisal has been submitted as part of the application and this is being assessed by the Council's appointed ecologists at Greater Manchester Ecology Unit (GMEU). An update will be provided on the Addendum following receipt of final comments from GMEU.

#### Provision of public open space

33. 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.

34. Until recently the National Planning Practice Guidance (NPPG) previously set out a threshold for tariff-style contributions, stating 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. This guidance has been removed from the latest NPPG and has been replaced with a requirement that planning obligations for affordable housing should only be sought for residential developments that are major developments.

35. Specifically, the guidance was derived from the order of the Court of Appeal dated 13 May 2016, which gave legal effect to the policy set out in the Written Ministerial Statement of 28 November 2014 which has not been withdrawn and which should, therefore, clearly still be taken into account as a material consideration in the assessment of planning applications.

36. To this end whilst 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.

37. Consequently, 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 10, or fewer, dwellings. The Council has agreed to only seek contributions towards provision for children/young people on developments of 10 dwellings or less.

38. Whilst there is currently a deficit of children/young people provision in Chorley South West in relation to this standard, financial contributions for off-site provision can only be requested if there is an identified scheme for new provision and none are identified at present.

39. Therefore, a financial contribution towards improvements cannot be required from this development.

#### Sustainability

40. 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:

41. "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."

42. "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."

43. Given this change, instead of meeting the code level, the dwellings 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

44. United Utilities advise that the drainage proposal has not been based on the hierarchy of drainage options in the National Planning Practice Guidance and, therefore, request drainage conditions to reflect this approach. This could be conditioned accordingly to ensure that the development is drained in the most sustainable way.

#### Community Infrastructure Levy

45. 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**

46. The proposed development would result in the loss of existing protected open space which makes a significant contribution to the character of the area in terms of visual amenity. It would also be harmful to the streetscene and would result in an oppressive environment to the existing footpath between Lakeland Gardens and Longfield Manor. The proposal is, therefore, contrary to policies HW2 and BNE1 of the Chorley Local Plan 2012 – 2026 and it is, therefore, recommended that the application is refused.

**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.