

APPLICATION REPORT – 21/00935/FUL

Validation Date: 1 February 2022

Ward: Chorley East

Type of Application: Full Planning

Proposal: Change of use of the land to domestic garden in association with no.1 Bracken Close, installation of concrete paving surface and erection of perimeter fencing 2 / 2.1 metre high (retrospective)

Location: 1 Bracken Close Chorley PR6 0EJ

Case Officer: Amy Aspinall

Applicant: Mr Daron Gregory

Agent: Alex Fowler

Consultation expiry: 4 March 2022

Decision due by: 14 July 2022 (Extension of time agreed)

RECOMMENDATION

1. It is recommended that planning permission is granted for the retrospective development, subject to conditions.

SITE DESCRIPTION

2. The application site is comprises a parcel of land adjacent to the residential property of 1 Bracken Close and the substation along Eaves Lane. The land formed part of the overall open space landscaping associated with the wider residential development of the former Eaves Lane hospital and forms a continuous grassed frontage from Bracken Close to Grey Heights View. The grassed area to the front of Bracken Close is not designated as open space in the Chorley Local Plan 2012-2026, whereas the larger section between Heather Close and Grey Heights View is.

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

DESCRIPTION OF PROPOSED DEVELOPMENT

4. The application is retrospective as the works have already been carried out in their entirety. The application seeks full planning permission for the change of use of the land to domestic garden in association with no.1 Bracken Close, including the installation of concrete paving surface and the erection of perimeter fencing which is 2 metres and 2.1 metres in height

RELEVANT HISTORY OF THE SITE

Ref: 02/00831/FUL **Decision:** PERFPP **Decision Date:** 17 October 2002
Description: Single storey side extension,

Ref: 11/00413/FUL **Decision:** PERFPP **Decision Date:** 7 July 2011

Description: Erection of a single storey side orangery

REPRESENTATIONS

5. At the time of report preparation 1no. objection has been received. This is summarised below:

- This is open space as part of the original planning consent
- Will set a precedent for other houses to enclose grassed areas on this stretch of open space valued by Chorley residents.

CONSULTATIONS

6. CIL Officers – Advise that this is not a chargeable development for the purposes of the Community Infrastructure Levy and not CIL Liable.

7. Lancashire Highway Services – raise no objection.

PLANNING CONSIDERATIONS

Principle of development

8. The land constitutes an area of grassed open space, albeit not formally designated under the Chorley Local Plan. The preamble to policy HW2 provides that areas of land which are currently in use as, or were last used as, open space, sport or recreational facilities not identified on the Policies Map are also protected.

9. Policy HW2 (Protection of Existing Open Space, Sport and Recreational Facilities) stipulates that land and buildings currently or last used as, or ancillary to, open space or sports and recreational facilities will be protected unless:

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

10. No alternatives have been put forward as part of the application.

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

11. There is a deficit of amenity greenspace in the Chorley East Ward, however, it should be noted that the Open Space study does not assess sites under 0.2 hectares.

12. The application site comprises an area to the edge of the open space, and adjacent to the existing substation and no.1 Bracken Close. The land forms a small section of a wider parcel of grassed amenity space which would remain unaffected and continue to function as open space.

13. Given that the application site forms only a small area of part of the wider parcel of open space, it is not considered the development worsens the deficit of provision in the local area in terms of quantity and accessibility.

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

14. 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

15. As stated above, the site is not assessed as part of the Open Space study given its size and that these sites have less recreational value. The Bracken Close area of open space differs to the designated site at Heather Close, as this is much larger and offers pedestrian routes and connectivity through. Notwithstanding this, the application site itself forms only a small section of the open space and does not particularly affect any recreational value, which may be afforded to it.

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

16. This particular section of open space does make a significant contribution to the character of the area in terms of visual amenity and is part of an area of landscaping provided as part of the original housing development, which provides a continuous green frontage along Eaves Lane, set behind the original retained wall.

17. The application site does not extend up to the highway, but is set back, providing a gap of over 3 metres. The development does not, therefore, remove the continuous green frontage along Eaves Lane, although it is recognised that it does narrow the gap compared to the previous arrangements and the fencing is highly visible given its height and arrangement, but existing vegetation will provide more screening over time. The fact that it is a small section of the grassed area, which has been utilised for domestic purposes means that this wider parcel of amenity greenspace still continues to function in positive terms to the frontage of Eaves Lane and still makes a significant contribution to the character of an area in terms of visual amenity.

Impact on the character and appearance of the area

18. *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.*

19. The development has resulted in the enlargement of the domestic garden of 1 Bracken Close into the adjacent grassed amenity space, which formed the landscaping of the original housing estate. When viewed from Bracken Close, the development is seen in the context of the residential properties and appears as a large corner plot. From Eaves Lane, the fencing is highly visible at approximately 2 metres in height, particularly when the existing vegetation is sparse. Whilst the gap between Bracken Close and Eaves Lane has been reduced as a result of the development, there is still a set back from the road which maintains the sense of openness and the attractiveness of the wider amenity space along Eaves Lane, which then continues up to Grey Heights View.

20. Whilst the height and arrangement of the fencing is prominent in the streetscene, it is not considered that the development has a significantly detrimental impact on the surrounding area to warrant refusal of the application.

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. No amenity impacts are identified given the nature of the development.

Highway safety

23. 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.

24. The development results in an increase in parking provision at the dwellinghouse and utilises the same access.

25. Lancashire County Council Highways have assessed the application and advise that the development does not have a significant impact on highway safety, capacity or amenity in the immediate vicinity of the site. They do, however, advise that there is concern that the gate opens into the private highway (rather than into the site) and they recommend that the gates should open inwards to ensure the highway is not obstructed by the gates or a hazard to other road users. This could be secured by way of a suitable planning condition.

CONCLUSION

26. The application accords with Chorley Local Plan policy HW2 as the development affects only a small section of the wider parcel of amenity space and does not affect the contribution that this wider site makes to the character of the area in terms of visual amenity. The development would not have a significantly detrimental impact on the surrounding area, nor would it adversely affect neighbouring residential amenity or highways safety. The application is recommended for approval, subject to conditions.

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

The following conditions are recommended:

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

Title	Plan Ref	Received On
Proposed Site Plan	Bracken.01	13 October 2022
Site Location Plan	N/A	1 February 2022

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

2. Within one month of the date of this permission, the access gates shall be made to open inwards into to the site. Thereafter, the access gates shall only open inwards into the site and not outwards onto the highway.

Reason: To provide sufficient time for the applicant to amend the opening of the gates and to ensure the highway is not obstructed by the gates or a hazard to other road users in the interest of highway safety.