

APPLICATION REPORT – 23/00454/FUL

Validation Date: 26 May 2023

Ward: Chorley North East

Type of Application: Full Planning

**Proposal: Erection of two detached dwellings with associated detached garages
(resubmission of planning application ref: 22/01004/FUL)**

Location: Land Between 20 And Mereside Oakmere Avenue Withnell

Case Officer: Chris Smith

Applicant: Mr James Hassall

Agent: Keith Davidson & Partners Ltd

Consultation expiry: 23 June 2023

Decision due by: 01 September 2023 (Extension of time agreed)

RECOMMENDATION

1. It is recommended that planning permission is granted subject to conditions.

SITE DESCRIPTION

2. The application site is located in the Green Belt, as defined by the Chorley Local Plan 2012-2026, on the south side of Oakmere Avenue, which is an unadopted and unmade track accessed from the A674 Blackburn Road to the west. Currently the site is vacant comprising dense overgrown shrubbery. On both sides the site is bounded by neighbouring residential properties and to the east there is an unnamed track, which sits between the site and the neighbouring property 'Mereside'. Immediately to the north of the site on the opposite side of Oakmere Avenue there are two large bodies of water forming a reservoir.

DESCRIPTION OF PROPOSED DEVELOPMENT

3. The application seeks planning permission for the erection of 2no. detached dwellings. These would be large two storey dwellings of relatively modern appearance with front and rear gardens. Vehicular access to each dwelling would be from Oakmere Avenue. Planning permission is also sought for 2no. detached garages.
4. The application is a resubmission of planning application 22/01004/FUL, which granted planning permission for 2no. dwellings in January 2023. The application remains as per the approved scheme apart from the inclusion of detached garages, which would be located to the front of the proposed dwellings.
5. It should also be noted that the proposed development has been amended since first being received by the Council. The scheme has been amended to include a fire escape window at first floor level within the side (north west) elevation of House B (identified on plan ref: 211, Revision F). Fire escape windows have also been added to the east and west side elevations of House A (identified on plan ref 210, Revision F). The roof design of the proposed garages has also been amended to lower the overall height.

REPRESENTATIONS

6. 2no. representations have been received citing the following grounds of objection to the proposed development –
 - The proposed development is not in keeping with the local area
 - It would increase traffic and loss of habitat
 - The proposed garages would be forward of the building line and would be aesthetically wrong and out of keeping with the Avenue
 - The garages would prevent egress from the site in forward gear
7. Councillor Margaret France objects to the proposed development for the following reasons –
 - The site is a very attractive site
 - It is visited by ramblers and anglers to the adjacent fishing lodge
 - The line of housing frontages will be distorted by the proposed detached garages which will not respect the existing dwellings

CONSULTATIONS

8. Chorley Council's Tree Officer – Has stated that they have no objections to the proposed development providing that the tree protection measures outlined in the Arboricultural Report submitted with the application are adhered to.
9. The Coal Authority – Low Risk/Standing Advice.
10. Greater Manchester Ecology Unit (GMEU) – Have not raised any objections to the proposed development but advise that one mature tree is proposed for removal and a bat assessment is required in order to identify whether a bat roost is present.
11. Lancashire Highway Services (LCC Highways) – Have stated that they do not have any objections to the proposed development and are of the opinion that it would not have a significant impact on highway safety, capacity or amenity in the immediate vicinity of the site.
12. United Utilities (UU) – Have no objections to the proposed development.
13. Withnell Parish Council – No comments have been received.

PLANNING CONSIDERATIONS

Principle of the development in the Green Belt

14. The application site is located wholly within the Green Belt. National guidance on Green Belt is contained in Chapter 13 of the National Planning Policy Framework which states:

137. 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.

138. 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.*

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

148. 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 resulting from the proposal, is clearly outweighed by other considerations.

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

- a) buildings for agriculture and forestry;
- b) the provision of appropriate facilities (in connection with the existing use of land or a change of use) for outdoor sport, outdoor recreation, cemeteries and burial grounds and allotments; as long as the facilities preserve the openness of the Green Belt and do not conflict with the purposes of including land within it;
- c) the extension or alteration of a building provided that it does not result in disproportionate additions over and above the size of the original building;
- d) the replacement of a building, provided the new building is in the same use and not materially larger than the one it replaces;
- e) limited infilling in villages;
- f) limited affordable housing for local community needs under policies set out in the development plan (including policies for rural exception sites); and
- g) limited infilling or the partial or complete redevelopment of previously developed land, whether redundant or in continuing use (excluding temporary buildings), which would:
 - not have a greater impact on the openness of the Green Belt than the existing development; or
 - not cause substantial harm to the openness of the Green Belt, where the development would re-use previously developed land and contribute to meeting an identified affordable housing need within the area of the local planning authority.

Policy HS7 of the Chorley Local Plan 2012 – 2026 states that 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.

15. The proposed development would involve the infilling of a site that lies within a clearly identifiable built-up frontage with buildings on either side in an area with the character of a village. The dwellings would be set back from the public highway and would be positioned broadly in line with neighbouring dwellings on either side and would not project beyond the prevailing and distinct building line located along Oakmere Avenue. However, the eastern dwelling (house A on the site plan) would be built at a very modest angle, which would represent a slight departure from the more uniform building line along Oakmere Avenue. However, it is considered that this would provide some interest in the street scene, without being obtrusively sited and would respond to the characteristics of the site. Neighbouring properties exhibit a range of design and architectural styles with an array of facing materials evident and although the proposed dwellings would be of relatively modern appearance they would not appear out of place within this relatively mixed architectural context.
16. Consequently, it is considered that the proposed development would complement the character and setting of the existing buildings and the principle of the development is, therefore, considered to be acceptable.

Impact on the character and appearance of the locality

17. Policy BNE1 of the Chorley Local Plan 2012 – 2026 states that planning permission will be granted for new development, including extensions, conversions, and free-standing structures, provided that (amongst other things):

a) 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.

18. The proposed development would fill a large part of the plot, which lies between the neighbouring dwellings on either side of the site, however, there would be substantially sized garden areas, which would reflect the proportions of neighbouring gardens and it is not considered that the building to plot ratio of the dwellings would be excessive. Neighbouring properties located along Oakmere Avenue are not densely built up and it is considered that the proposed dwellings would represent a continuation of this layout. They would be set back from the public highway and would be positioned broadly in line with neighbouring dwellings on either side.
19. Currently the site is vacant and overgrown with foliage and it makes no particular contribution to the streetscene, which is at odds with the prevailing residential character of the immediate locality. The proposed development would reflect the residential character of the area and would be consistent with neighbouring land uses, continuing the active frontage along this part of Oakmere Avenue. Levels across the site ascend very gently in an west to east direction and consequently the proposed dwellings would be slightly lower than the neighbouring property at no. 20 Oakmere Avenue. However, it is considered that this would be in line with the prevailing trend as the heights of properties along Oakmere Avenue increase in line with the west to east ascending topography.
20. With regards to design and facing materials, the proposed dwellings would be of relatively modern appearance with large sections of glazing to the front and materials including timber cladding and zinc roof panels. Although it is accepted that this would differ from the design and style of some neighbouring properties, most of which are more conventionally designed brick built dwellings, the immediate locality is characterised by a variety of property types including bungalows, two storey dwellings, detached and semi-detached properties. It is therefore not considered that the proposed dwellings would appear out of place within this relatively mixed architectural context.
21. The proposed detached garages would be set forward from the principal elevations of the dwellings with the garage at House A approximately 3.4m away from the front boundary of the site and that of House B approximately 3m away from the boundary. The garages would, therefore, be visible within the adjacent streetscene and in particular when the site is approached from the west travelling along Oakmere Avenue. However, it is considered that the uniformity and consistency of the building layout along Oakmere Avenue begins to break down as properties become more dispersed with larger gaps between dwellings towards the eastern end of the road. It is also considered that the garages would benefit from a relatively modest and low-profile with a low maximum height of approximately 3.3m, which would to a degree mitigate the visual impact in the streetscene. In terms of design it is considered that they would complement the form and style of the host dwellings. Consequently, it is considered that the proposed garages would not appear as unduly prominent or visually discordant features within the streetscene.
22. It is, therefore, considered that the impact on the character and appearance of the locality would be acceptable, and that the proposed development would be a sensitive response to the overall form and layout of the surroundings, thereby complying with Chorley Local Plan policy BNE1 a).

Impact on the amenity of neighbouring occupiers

23. *Policy BNE1 of the Chorley Local Plan 2012 – 2026 states that planning permission will be granted for new development, including extensions, conversions, and free-standing structures, provided that (amongst other things):*

b) The development would not cause harm to any neighbouring property by virtue of overlooking, overshadowing, or overbearing;

g) The proposal would not cause an unacceptable degree of noise disturbance to surrounding land uses;

24. The side (east) elevation of House A would contain 5no. bedroom windows at first floor level. Due to the angle and position of the proposed dwelling the windows would not face directly towards the neighbouring residential property at Mereside. The windows to bedrooms 2 and 3 would be angled in such a way that they would not face directly towards the parts of the rear garden most intimately associated with the property. The window to bedroom 4 would be obscurely glazed. It is not considered, therefore, that there would be any unacceptable adverse impacts on the amenity of the neighbouring occupiers of Mereside as a result of privacy loss. Whilst House A would be set slightly forward from the front elevation of Mereside it is considered that the degree of separation between the two properties would be sufficient to ensure that there would be no unacceptable adverse impacts on the amenity of the occupiers of this property as a result of light loss or overbearing.
25. House B would be located immediately to the east of the neighbouring dwelling at no.20 Oakmere Avenue and at its closest point would be approximately 2.5m away from the common boundary and 4.3m away from the side elevation of the property itself. However, the proposed dwelling would not project forward of the front elevation of the neighbouring property and the rear projecting gable section of the proposed dwelling would be approximately 9m away from the common boundary and approximately 11m away from the neighbouring property itself. This would ensure there would be an adequate degree of separation between the two properties. There would be an escape window to a bedroom at first floor level within the side (west) elevation of the property. However, this would face directly towards a blank section of the first-floor side elevation of the neighbouring property at 20 Oakmere Avenue and it would not face towards the rear garden and main private amenity spaces associated with this property. There would be no other first-floor habitable room windows within the side (west) facing elevation of House B. Consequently, it is not considered that there would be any unacceptable adverse impacts on the amenity of the occupiers of the neighbouring property at no. 20 Oakmere Avenue as a result of light loss, overbearing or a loss of privacy.
26. Due to the very modest scale of the proposed garages and the degree of separation between them and neighbouring properties, they would have no unacceptable adverse impact on the amenity of the occupiers of the properties as a result of light loss or a loss of outlook.
27. Having regard to the above, the extension is considered to accord with Chorley Local Plan policy BNE1 b) and g) in respect of amenity.

Ecology

28. *Policy BNE9 of the Chorley Local Plan 2012-2026 sets out how development should safeguard biodiversity. Any adverse impacts on biodiversity should be avoided, and if unavoidable should be reduced or appropriately mitigated and/or compensated.*
29. *Policy BNE11 of the Chorley Local Plan 2012-2026 states that planning permission will not be granted for development which would have an adverse effect on a priority species, unless the benefits of the development outweigh the need to maintain the population of the species in situ.*
30. The Council's ecological advisors at Greater Manchester Ecology Unit (GMEU) have not raise any objections to the proposed development. However, they state that as one mature tree is proposed for removal, a bat assessment should be provided prior to determination of the application. A bat survey report was subsequently submitted by the applicant which identified the presence of 2no. bat roosts in the tree including a daubenton's maternity roost with a maximum of 9no. bats and a common pipistrelle night roost. The bat survey states that no works to the tree should be undertaken without a licence from Natural England. It is recommended that this be secured by a planning condition.

31. GMEU also advised that there are unlikely to be any other protected species associated with the proposed development. However, they recommended that a condition should be attached to the grant of planning permission requiring that no works to trees or shrubs shall occur between the 1st March and 31st August in any year unless a detailed bird nest survey by a suitably experienced ecologist has been carried out immediately prior to clearance and written confirmation provided that no active bird nests are present which has been agreed in writing by the local planning authority
32. Having regard to the above, and subject to relevant conditions, it is considered that the nature conservation interest would be sustained, and the proposal is considered to accord with Chorley Local Plan policy BNE9 and BNE11 in respect of ecology.

Trees

33. Although 1no. ash tree (T5) would be removed, the arboricultural report submitted with the application confirms that the tree is subject to Honey Fungus around the buttress area, which is a serious decay fungus rendering the tree hazardous and liable to serious decline and/or fail. While the loss of the mature tree, which is prominently positioned along the site frontage is regrettable, it is accepted that due to the condition of the tree it's removal is necessary.
34. Furthermore, the Council's Tree Officer has not raised an objection to these works and has advised that the tree protection measures set out in the arboricultural report submitted with the application should be adhered to.

Parking provision and highway safety

35. *Policy ST4 'Parking Standards' of the Chorley Local Plan 2012-2026 requires that proposals for development will need to make parking provision in accordance with the standards set out in Appendix A of the Local Plan. Appendix A identifies the Council's minimum parking standards for new development.*
36. *Policy BNE1 of the Chorley Local Plan 2012 – 2026 states that planning permission will be granted for new development, provided that, where relevant to the development the residual cumulative highways impact of the development is not severe and it would not prejudice highway 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.*
37. The proposed dwellings would both contain five bedrooms and the plot for each dwelling would provide off road car parking spaces for three cars. The proposed development would, therefore, be in accordance with the parking standards specified in policy ST4 of the Chorley Local Plan 2012 – 2026.
38. LCC Highways have stated that they do not have any objections to the proposed development and are of the opinion that it would not have a significant impact on highway safety, capacity, or amenity in the immediate vicinity of the site.

Flood risk and drainage

39. The application site is not located in an area that is at risk of flooding from pluvial or fluvial sources, according to Environment Agency mapping data. In accordance with the National Planning Policy Framework (NPPF) and the National Planning Practice Guidance (NPPG), the site should be drained on a separate system with foul water draining to the public sewer and surface water draining in the most sustainable way.
40. The NPPG clearly outlines the hierarchy to be investigated by the developer when considering a surface water drainage strategy. As such the developer should consider the following drainage options in the following order of priority:

1. into the ground (infiltration);
2. to a surface water body;
3. to a surface water sewer, highway drain, or another drainage system;
4. to a combined sewer.

41. United Utilities advise that there are no known public sewers in the vicinity of the proposed development. It is recommended that the applicant implements a scheme in accordance with the surface water drainage hierarchy outlined above.

Sustainability

42. 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.”

43. Given this change, instead of meeting the code level, the Local Planning Authority required that dwellings should achieve a minimum dwelling emission rate of 19% above 2013 Building Regulations in accordance with the transitional provisions. Building Regulations 2022 have now been brought into force and under Part L require a 31% improvement above 2013 Building Regulations. This exceeds the Council’s previous requirement and now supersedes the requirement for a planning condition.

Public open space

44. 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.
45. 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.

46. 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.
47. 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.
48. 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.
49. Notwithstanding this, the Council must also decide how much weight to give to the benefit of receiving a payment for 1 or 2 dwellings. It is, therefore, considered that the benefit of securing a public open space contribution on the basis of two dwellinghouses in this case, would not outweigh the high cost of managing the end to end process of delivering those improvements, and would not be commensurate to the benefit.
50. Therefore, a public open space commuted sum is not requested for this scheme.

Community Infrastructure Levy

51. 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

52. The proposed development would fall within the exception of paragraph 149 (e) of the National Planning Policy Framework and would not, therefore, be inappropriate development in the Green Belt. It would not have an unacceptable adverse impact on the character and appearance of the existing site and the surrounding area or the amenity of neighbouring residents. Nor would it cause any significant harm to highway safety or ecology. It is, therefore, considered that the development accords with the National Planning Policy Framework and policies BNE1, BNE9, BNE11 and HS7 of the Chorley Local Plan 2012 – 2026. Consequently, it is recommended that the application is approved, subject to conditions.

RELEVANT HISTORY OF THE SITE

Ref: 21/01282/OUT **Decision:** PEROPP **Decision Date:** 11 March 2022
Description: Outline application (specifying access and layout) for 2no. semi-detached dwellings

Ref: 22/01004/FUL **Decision:** PERFFP **Decision Date:** 16 January 2023
Description: Erection of 2no. detached dwellings

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.

Planning conditions to follow in the addendum report