

Item 3e	15/00661/FUL
Case Officer	Iain Crossland
Ward	Chisnall Ward
Proposal	Erection of two semi-detached two storey dwellings with associated car parking
Location	Car Park Adjacent To 48 Wood Lane Heskin
Applicant	Mr David Marsden
Consultation expiry:	14 August 2015
Decision due by:	07 September 2015

Recommendation

It is recommended that this application is approved subject to conditions and subject to an s106 agreement.

Executive Summary

The main issues to consider are the principle of development, impact on the Green Belt, impact on the character of the area, neighbour amenity, highways safety.

Representations

Heskin Parish Council have made the following comments:

This application could have a serious detrimental effect on the much valued adjacent hairdressing business because of:

- a) Parking- This application should be considered alongside the previously approved provision of 10 houses at the other side of the hairdressers and there will inevitably be a reduction in the availability of on street parking
- b) Road Safety- Many of the customers are elderly and unable to walk very far. Parking across the road would involve crossing an increasingly busy road
- c) The site is quite narrow and building so close to the hairdressers building would lead to loss of light and amenity. Two houses are too many and inappropriate
- d) A petition has been signed by over 150 people which shows the value this business is to residents of Heskin and neighbouring villages.
- e) Chorley's policies should try and ensure local businesses in rural areas are able to flourish
- f) Heskin is washed over by Green Belt policy. This application has little regard for that

Request from Cllr Leadbetter that the application be determined by the Development Control Committee

1 petition objecting to the proposal has been received from the neighbouring hairdressers, which contains 197 signatures. The petition objections on the basis of the impact of the proposed development upon on street car parking and the subsequent impact on the hairdressing business.

1 representation has been received from the owner of Sharon's Hair Salon objecting to the proposal, which is summarised below

- Inappropriate development in the Green Belt
- Loss of light
- Impact on the character of the street
- Concerns over foundations due to the proximity of the proposed development
- Loss of on-street parking for the business and impact on highway safety

Consultees

Consultee	Summary of Comments received
LCC Highways	The proposal was subject to pre-planning consultation and appears to have been designed taking into account highway comments provided during the pre-planning application stage. I therefore have no objections. The advice provided at pre-application stage stated:

Where possible, vehicles should exit properties travelling forward. In the case of this proposal however, it appears the size and orientation of plot will not make it possible for vehicles to safely turn within curtilage to exit. The adjacent terraced houses have similar arrangements where vehicles exit the frontages in reversed gear.

The site currently operates as a car park with the possibility of some reversing onto the highway already taking place. The proposal will potentially reduce the level of vehicular activities associated with the existing use and possibly lead to improved pedestrian safety due to fewer vehicles going in and out of the site. This section of Wood Lane however has no recorded traffic accident history.

In view of the above, there would be no highway objections to the proposed development. The applicant will be responsible for the cost of reinstating the existing dropped kerbs and the footway frontage to the site and parking provision should accord with the current Chorley Council Parking Standard.

Assessment

The Site

1. The application site is an unused car park, which served the former HW Moon Ltd car sales garage, which has been previously demolished with extant permission granted for 10 dwellings in total. The application site forms an approximate 12m wide gap in the frontage along Wood Lane between a residential dwellinghouse at 48 Wood Lane and hairdressers.
2. The site is located within a linear development in the village of Heskin, and is washed over by Green Belt. The area is predominantly residential with open agricultural land beyond and the character of the buildings is mixed with both traditional and modern designs in the locality.

The Proposal

3. This application is for the erection of two semi-detached, two storey dwellings with associated car parking. The proposed dwellings would be of a traditional design with a front gable feature. The dwellings would have a total width of approximately 10.25m and depth of approximately 9.4m. There would be dual pitched roofing with contrasting orientation and a ridge and eaves height of approximately 7.9m and 5.3m. The properties would be faced in red brick and painted render and the roof would be laid in grey concrete roof tiles.
4. There would be enclosed gardens to the rear of the properties, with pedestrian accesses to the sides of the properties, and there would be off street vehicular parking to the front of the properties.

Assessment

The main issues are as follows:-

Issue 1 – Impact on the Green Belt

Issue 2 – Neighbour amenity

Issue 3 – Impact on character and appearance of the locality

Issue 4 – Impact on highways/access

Principle of the Development

5. Paragraph 89 of the National Planning Policy Framework states that limited infilling or the partial or complete redevelopment of previously developed sites is not necessarily inappropriate development in the Green Belt. Central Lancashire Core Strategy Policy 1 criterion (f) allows appropriate infilling in smaller villages, substantially built up frontages and on Major Developed Sites.
6. Policy HS7 of the Adopted Chorley Local Plan deals with Rural Infilling. However, in paragraph 5.36 of the reasoned justification to this policy, it states that Policy HS7 does not apply to residential infilling on previously developed sites. This is because paragraph 89 of the Framework makes a distinction between limited infilling on previously developed sites in the Green Belt and limited infilling in villages. The application site is considered to be a previously developed site within the Green Belt and as such Policy HS7 is not directly applicable.
7. The proposal involves the redevelopment of a previously developed site in the Green Belt and as such should be assessed against criterion c) of Policy BNE5 of the Local Plan.

Impact on the Green Belt

8. The application site is located within Heskin, and is washed over by Green Belt.
9. This proposal would involve the development of two dwellings on a small plot (approximately 12m wide) within a built-up frontage, with buildings on either side, on Wood Lane in Heskin. On this basis the development proposed is considered to be limited infilling, in accordance with the Framework.

10. However in order for the proposals to benefit from the relevant exception in the case of this site, the applicant must demonstrate that the construction of the new buildings constitute:
 - The partial or complete redevelopment of previously developed land;
 - Which would not have a greater impact on the “openness” of the Green Belt; and
 - Which would not have a greater impact on the purposes of including land in the Green Belt.
11. Whilst the test for sites such as this relates to the impact on openness it is important to note that the Framework contains no specific definition of ‘openness’.
12. Whilst the proposals do involve the complete redevelopment of previously developed land the proposals will have a greater impact on the openness of the Green Belt by virtue of erecting buildings on a currently empty site. As such the proposed development constitutes inappropriate development and as such the tests of paragraph 88 of the Framework are engaged. In this case very special circumstances need to be demonstrated which outweigh the harm the development will have to the Green Belt.
13. In terms of the Core Strategy the site lies outside the areas identified for growth. Therefore, it should be assessed against Core Strategy Policy 1 criterion (f). This sets out the type of development that is appropriate in other places, including smaller villages and substantially built-up frontages. It states that development will typically be small scale and limited to a number of forms of development, including appropriate infilling, although appropriate infilling is not defined. Policy HS7 provides a definition of infilling and although Policy HS7 is not applicable to this site the proposals do meet the definition of limited infilling in Policy HS7 which is considered to be an appropriate test when assessing this application. This site lies within a gap between a residential property at 48 Wood Lane and Sharons Unisex Hairdressers at 54A Wood Lane. It lies within a substantially built-up frontage on Wood Lane in Heskin and is considered to be appropriate infilling. Therefore, its development is in accordance with Core Strategy Policy 1.
14. This proposal involves infill development on a previously developed site in the Green Belt and as such should be assessed against criterion c) of Policy BNE5 of the Local Plan, which states that the proposal does not lead to a major increase in the developed portion of the site, resulting in a greater impact on the openness of the Green Belt and the purpose of including land within it than the existing development. This reflects the guidance contained within the Framework.
15. The proposed development will utilise a brownfield site assisting in meeting the Council's target of locating 70% of all new housing on brownfield land. It has been established in case law that openness and visual impact are different concepts in terms of Green Belt Policy. However they can relate to each other and as such the visual impact is a material consideration. In *Heath & Hampsted Society v LB of Camden* [2007] EWHC 977, the difference between openness and visual impact was explained. As the development falls to be considered inappropriate development the visual impact of the proposed development is a key material consideration in terms of the overall balance as to whether there is harm.
16. It is considered that the proposed development is inappropriate development in the Green Belt however the site currently suffers from a sense of abandonment as a result of its disuse. The development of the site would enhance its appearance as a whole, through investment in developing a viable end use in the form of dwellings that would be maintained by the occupiers in perpetuity. The site would subsequently become more harmonious with the neighbouring dwellings set on Wood Lane and would help to create a more cohesive street scene.
17. It is considered that this development reflects ‘true’ infill development and involves the reuse of brownfield land. The visual improvements created by the proposals are

considered to be a material consideration and it is considered that the benefits of developing this site outweigh the harm created to the Green Belt.

Impact on Neighbour Amenity

18. The proposed dwellings would be located approximately 3.3m from the nearest dwelling at 48 Wood Lane to the north west of the site. There is one window in the ground floor side elevation of this neighbouring property facing the application site. This is a secondary window that is not the primary source of light to a habitable room and is screened from the site by an approximate 1.8m high fence.
19. There would be some impact on light and outlook in relation to this window as a result of the proposed development, however, as the window is secondary and not the primary source of the light to the room it serves the impact is considered to be acceptable. The impact of the proposed development on light and outlook to the remaining windows of the property is limited.
20. The windows in the rear elevations of the proposed dwellings would not result in any direct views of the most private intimate amenity space in the garden at 48 Wood Lane, by virtue of the relative positioning of the proposed dwellings.
21. The proposed dwellings would be located approximately 11m from the rear boundary of the site, which forms the boundary to rear gardens at 25 and 27 Wood Lane, and approximately 25m from the properties themselves. This degree of separation complies with the Council's adopted interface standards.
22. The proposed dwellings would be located approximately 1.4m from Sharons Unisex Hairdressers at 54A Wood Lane to the south east of the site. There are windows in the north west side elevation of the hairdressers facing the site. There are two windows to the front side of the hairdressers facing the application site. The proposed dwellings would be offset from these windows and would not be considered detrimental to the outlook from the windows. As the proposed dwelling would be positioned to the north west of these windows there would be little impact on direct light levels. There are two high level windows to the rear side of the building, which would directly face the south east side elevation of the proposed dwellings, however, as they are high level windows the impact is less than those to the front and the relationship is considered to be acceptable. It is noted that there are no standards in relation to windows of non-domestic properties and that such uses do not enjoy the same level of amenity and subsequent protection that residential dwellings have.
23. Other properties on the opposite side of Preston Road are located around 34m away. Due to the substantial separation it is considered that two dwellings can be located on this site without impacting on the privacy, light or outlook of the neighbouring occupiers.

Impact on character and appearance of the locality

24. The proposed dwellings would be semi-detached houses set in residential curtilage with off street car parking to the front and enclosed gardens to the rear.
25. It is noted that other properties nearby comprise mainly terraced dwellings of traditional design facing the highway in a standard layout. Off street parking to the front is commonplace. The design of the proposed development incorporates traditional features and would result in a traditional appearance that would not be out of character with the location.
26. The scale and positioning of the proposed dwellings would be appropriate in relation to the plot and consistent with other neighbouring dwellings. The site plan demonstrates that adequate residential curtilage would be provided with adequate space for parking and general amenity. No landscaping scheme or boundary fencing scheme is included at this stage, and therefore it is recommended that such details are required by condition.

27. The site forms a clear gap in the existing built form along this part of Wood Lane and the development of two semi-detached dwellings would be consistent with the character and appearance of the street scene in relation to the dwellings to the north west of the site. It is therefore considered that the proposed development would have no detrimental impact on the appearance of the site or character of the local area.

Highway Impact and Access

28. It is noted that there is already a dropped kerb and vehicular access off Wood Lane to the site as a former car park and that most other nearby properties have direct vehicular access to the highway with dropped kerbs. Wood Lane is also fairly straight in this location. In addition to this the proposed creation of parking for two dwellings would result in less vehicle movements than the previous use as a car park for a car sales garage.
29. It is noted that concerns have been raised from the owner of the neighbouring hairdressing business that the level of on-street car parking for customers would be reduced as a result of the proposed development. Although it is recognised that customers currently park on the street outside the car park this was not possible when the car park was in use, and would not be possible if the car park were put back into use as a private car park serving some other purpose. In addition to this the availability of on street car parking is a benefit, which cannot be guaranteed and as such cannot be protected in relation to an application for planning permission.
30. The site plan demonstrates that off street parking of sufficient size to accommodate at two cars would be provided. On this basis the scheme would comply with the parking standards specified in policy ST4 of the Adopted Chorley Local Plan 2012 – 2026.
31. It is noted that the property is located on an established bus route with regular services running between Chorley and Wigan and settlements between. This contributes to the sustainability of the site.

Section 106 Agreement

32. In line with Local Plan policy HS4 the applicant will need to enter into a Section 106 legal agreement requiring a payment of £3,508 towards amenity greenspace, allotments and playing pitches. The legal agreement will be drawn up and passed to the applicant in due course. Any planning permission would therefore be subject to this S106.

CIL

33. In line with the adopted CIL charges and associated regulations the development would result in a payment of approximately £10,400 towards infrastructure in the local area.

Other matters

34. Concerns have been raised from the owner of the neighbouring hairdressing business in relation to the foundations of the property due to the proximity of the proposed development: This is not a material planning matter and would be a civil matter subject to the Party Wall Act.

Overall Conclusion

35. It is considered that the proposed dwellings on this site would be inappropriate development however it is considered that this proposed infill development will enhance this part of Wood Lane and remove unused land enhancing the streetscene whilst contributing to the Council's brownfield land target. The impact on the appearance and character of the area are acceptable as the proposed dwellings are appropriately designed, of an appropriate scale and relate well to the street scene. The impact on neighbour amenity is considered to be acceptable as is the impact on highway safety. As such the proposals are recommended for approval subject to the associated legal agreement.

Planning 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 History

There is no recent planning history at the site

Suggested Conditions

No.	Condition																					
1.	<p>The proposed development must be begun not later than three years from the date of this permission.</p> <p><i>Reason: Required to be imposed by Section 51 of the Planning and Compulsory Purchase Act 2004</i></p>																					
2.	<p>No part of the development hereby approved shall commence until a scheme for the construction of the site access and the off-site works of highway improvement (reinstatement of the existing footway and kerb realignment) has been submitted to and approved by the Local Planning Authority in consultation with the Highway Authority.</p> <p><i>Reason: In order to satisfy the Local Planning Authority and Highway Authority that the final details of the highway scheme/works are acceptable before work commences on site.</i></p>																					
3.	<p>The development shall be carried out in accordance with the following plans:</p> <table border="0" data-bbox="320 719 1262 931"> <thead> <tr> <th data-bbox="320 719 603 745">Plan Ref.</th> <th data-bbox="603 719 895 745">Received On:</th> <th data-bbox="895 719 1262 745">Title:</th> </tr> </thead> <tbody> <tr> <td data-bbox="320 745 603 772">D270/P01</td> <td data-bbox="603 745 895 772">03 July 2015</td> <td data-bbox="895 745 1262 772">Location Plan</td> </tr> <tr> <td data-bbox="320 772 603 799">D270/P02</td> <td data-bbox="603 772 895 799">03 July 2015</td> <td data-bbox="895 772 1262 799">Existing Site Plan</td> </tr> <tr> <td data-bbox="320 799 603 826">D270/P03</td> <td data-bbox="603 799 895 826">03 July 2015</td> <td data-bbox="895 799 1262 826">Proposed Site Plan - Drainage</td> </tr> <tr> <td data-bbox="320 826 603 853">D270/P04</td> <td data-bbox="603 826 895 853">03 July 2015</td> <td data-bbox="895 826 1262 853">Proposed Site Plan</td> </tr> <tr> <td data-bbox="320 853 603 880">D270/P05</td> <td data-bbox="603 853 895 880">03 July 2015</td> <td data-bbox="895 853 1262 880">Proposed Floor Plans</td> </tr> <tr> <td data-bbox="320 880 603 907">D270/P06</td> <td data-bbox="603 880 895 907">03 July 2015</td> <td data-bbox="895 880 1262 907">Proposed Elevations</td> </tr> </tbody> </table> <p><i>Reason: For the avoidance of doubt and in the interests of proper planning.</i></p>	Plan Ref.	Received On:	Title:	D270/P01	03 July 2015	Location Plan	D270/P02	03 July 2015	Existing Site Plan	D270/P03	03 July 2015	Proposed Site Plan - Drainage	D270/P04	03 July 2015	Proposed Site Plan	D270/P05	03 July 2015	Proposed Floor Plans	D270/P06	03 July 2015	Proposed Elevations
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4.	<p>A scheme for the landscaping of the development and its surroundings shall be submitted prior to the commencement of the development. These details shall include all existing trees and hedgerows on the land; detail any to be retained, together with measures for their protection in the course of development; indicate 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. The scheme should include a landscaping/habitat creation and management plan which should aim to contribute to targets specified in the UK and Lancashire Biodiversity Action Plans. Landscaping proposals should comprise only native plant communities appropriate to the natural area.</p> <p>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.</p> <p><i>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.</i></p>																					
5.	<p>Notwithstanding the details shown on the submitted plans, the proposed car parking and turning areas shall be constructed using permeable materials on a permeable base, or provision shall be made to direct run-off water from the hard surface to a permeable or porous area or surface within the boundaries of the property (rather than to the highway), unless otherwise agreed to in writing by the Local Planning Authority.</p> <p><i>Reason: In the interests of highway safety and to prevent flooding</i></p>																					
6.	<p>Before the development hereby permitted is first commenced, full details of the position, height and appearance of all fences and walls to be erected</p>																					

	<p>(notwithstanding any such detail shown on the approved plans) shall have been submitted to and approved in writing by the Local Planning Authority. Fencing to the eastern boundary of the site shall be a minimum of 1.8m in height. The dwelling shall not be occupied until all fences and walls shown in the approved details to bound its plot have been erected in conformity with the approved details. Reason: To ensure a visually satisfactory form of development, to provide reasonable standards of privacy to residents</p>
7.	<p>Prior to the commencement of development 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.</p>
8.	<p>Before the development hereby permitted is first commenced full details of existing and proposed ground levels and proposed building finished floor levels (all relative to ground levels adjoining the site) shall have been submitted to and approved in writing by the Local Planning Authority, notwithstanding any such detail shown on previously submitted plan(s). The development shall be carried out strictly in conformity with the approved details. <i>Reason: To protect the appearance of the locality and in the interests of the amenities of local residents.</i></p>
9.	<p>Surface water must drain separate from the foul and no surface water will be permitted to discharge to the foul sewerage system. The surface water must be restricted to existing runoff rates and unless otherwise agreed in writing by the Local Planning Authority and no surface water shall discharge to the public sewerage system either directly or indirectly. <i>Reason: To secure proper drainage of the site.</i></p>
10.	<p>All new dwellings are required to achieve a minimum Dwelling Emission Rate of 19% above 2013 Building Regulations.</p> <p>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.</p>
11.	<p>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.</p> <p>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.</p>
12.	<p>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</p>

	<p>Local Planning Authority demonstrating that the dwelling has achieved the required Dwelling Emission Rate.</p>
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