

APPLICATION REPORT – 17/00533/OUT

Validation Date: 24 May 2017

Ward: Pennine

Type of Application: Outline Planning

Proposal: Outline application (specifying access and layout) for the erection of 4no. dwellings following demolition of existing dwelling and detached garage.

Location: Baysbrown Copthurst Lane Whittle-Le-Woods Chorley PR6 8LR

Case Officer: Mike Halsall

Applicant: Nina Thistlethwaite

Agent: Mrs Louise Leyland

Consultation expiry: 15 June 2017

Decision due by: 18 August 2017

RECOMMENDATION

1. It is recommended that the application is refused.

SITE DESCRIPTION

2. The application site is currently occupied by a detached bungalow known as Baysbrown located on Copthurst Lane, Whittle-Le-Woods. The site boundary also incorporates a front and rear garden, driveway and detached garage. The site is bound by a low stone wall along Copthurst Lane. Hedgerow and panel fencing form the dividing boundaries with the adjacent properties and the rear of the site is bound by further panel fencing. The adjacent property to the west is a detached two-storey property known as Malvern House which abuts its boundary with the site. To the east is a bungalow known as Denham.

DESCRIPTION OF PROPOSED DEVELOPMENT

3. Outline planning permission is sought for the demolition of the existing bungalow and garage and the erection of four dwellings, arranged as two pairs of semi-detached houses. The application seeks approval for access and layout with all other matters reserved. The applicant has indicated that the new dwellings would each be 3-bed, two-storey properties with an internal floor area of 116 sq. m. They would have a lawn area and parking for two cars at the frontage to Copthurst Lane. To the rear it is proposed that the properties would feature steps down to a terrace in the back garden. The mature vegetation to the rear of the existing property would be retained wherever possible. Access would be directly on to Copthurst Lane.
4. Whilst the outline application does not seek approval of the scale of the properties, the applicant has submitted a streetscape drawing which depicts the indicative cross sectional scale of the dwellings.

REPRESENTATIONS

5. Fourteen objections have been received to the scheme. Comments are as follows (in summary):
- The proposal is too big, imposing and would have an oppressive impact. The new structure would completely fill the width of the existing plot which is very much out of scale with the existing site and the surrounding properties;
 - The proposal would harm the character, appearance, distinctiveness and environmental quality of a rural lane;
 - The proposal is against council policy for green belt areas;
 - The height of the proposal is far too high – it would be out of proportion for the road and neighbouring properties;
 - Four properties on the site of a single bungalow is a massive overdevelopment of the site and location;
 - The loss of roadside/kerb would create parking issues even if the development was for a single property, but to create 4 properties, lose such a length of kerb, and have each property with only 2 parking spaces would create on road parking issues which could affect the whole of the lane and make it extremely difficult and potentially dangerous for all homeowners and users of the road;
 - Most of the existing properties have small drives where cars cannot turn round in, but this plot is large enough to create safe parking and turning area for a single replacement dwelling which would not affect others;
 - General loss of amenity to the road and neighbourhood;
 - Loss of privacy and overlooking;
 - Overshadowing and loss of light;
 - Noise, security, damage to adjacent properties and contamination issues from the demolition of the bungalow;
 - Public services such as drainage and sewers;
 - Detrimental to the character and openness of the Green Belt;
 - Access to the rear of the proposed properties would be limited;
 - Request that construction hours and delivery vehicles etc. be conditioned to safeguard amenity;
 - The development of four houses will require the use of its residential garden, therefore Policy HS3: Private Residential Garden Development will apply. The development does NOT meet the policy. Namely, Criteria a replacement dwelling - the application is for more than a one for one replacement and criteria c garden infill - the development is not filling a small gap with one or possibly two houses but filling it with three houses of a type NOT in keeping with the character of the street frontage;
 - Copthurst lane is in the Whittle-Le-Woods settlement. The additional housing is not needed in this area. The recent five year housing supply statement (Sept 2016) confirms Chorley has 7.2yr deliverable housing supply that includes a number of sites in Whittle-le-Woods. The statement concludes that all the sites in Whittle will be delivered to meet need.

CONSULTATIONS

6. **Council's Tree Officer** - Has stated that there are no trees of high quality on the site and boundary trees from good screening of the site.
7. **Greater Manchester Ecology Unit** – no response received.
8. **Lancashire Highway Services** – Comment that while the need for reversing out of the proposed driveways is understandably of concern to residents who provided comments on the planning application, it is not unusual for parking layouts to be provided in this arrangement in an area which is almost entirely residential with minimal adverse traffic incidents. The Highways service considers the proposal to be acceptable in principle. The Highways service has suggested two conditions be attached to any grant of planning permission.

9. **Whittle-le-Woods Parish Council** – Comment that the proposal would be overdevelopment of the site. In particular comment is made that the application does not comply with the Chorley Local Plan 2012-2026 policy HS6 because the site has not been allocated in the Housing Allocation Policy, and private residential developments are not required to meet the housing targets of the Local Plan. There are no very special circumstances that would outweigh the harm that this proposal would cause, and the only permitted improvement to this site would be for a one to one replacement dwelling. It is considered that these four proposed dwellings would dominate the landscape, being at the crest of the hill of Copthurst Lane, and that this in turn would affect the openness of the view in this area of natural beauty, and would certainly harm the character of the area.

In addition, there are concerns regarding the proposed parking places, which are not large enough for many vehicles, and that there is also no turning circle included within the plan. Also, connected with traffic, it was noted that many cars are unable to see oncoming vehicles at the crest of this hill and that this situation is even worse when parked cars are added to the equation. There are already many cyclists, pedestrians and horses using the road and additional homes with additional traffic would cause problems for these road users. There is already bad visibility for cars exiting onto Copthurst Lane.

Importantly, there are no other semi-detached properties in this area, so this proposal would change the street scene substantially, not only because of the sheer height of the proposed homes. Existing residents had already been told that they were not allowed to increase the height of their bungalow.

Also, one of the proposed units would completely overlook an existing property's patio, which is unacceptable.

Concern is expressed that even if this application goes ahead in a reduced fashion, that rural infilling would eventually make the numbers up to the four properties now requested.

Only a like for like development, placed in a central location on this plot of land, would be acceptable. Planning permission should not be granted for properties which have a more than 30% volume increase, and four properties would definitely be overdevelopment of this plot.

10. **CIL Officers** – This development will be CIL Liable. CIL Liability is only calculated upon approval of final reserved matters applications. New CIL Determination Form will be required with a reserved matters application detailing scale/layout of dwellings/garages.
11. **United Utilities** - Have raised no objections and comment that no construction should commence until the detailed drainage design, submitted as part of the Section 104 agreement, has been assessed and accepted in writing by United Utilities. Any works carried out prior to the technical assessment being approved is done entirely at the developers own risk and could be subject to change.

THE APPLICANT'S CASE

12. The applicant has responded to the consultation responses and has made the following (summarised) comments, focussing on areas of contention between the applicant and the Council:

As set out in the Planning Statement, it is considered that policies HS7: Rural Infilling, BNE5: Redevelopment of Previously Developed Sites in the Green Belt and CS Policy 1 (f): Locating Growth, are the relevant policies to this proposal.

The supporting text for policy HS7 clearly states that the policy applies to smaller villages that are not specifically identified in Core Strategy Policy 1 as is the case here. The policy response states that policy HS7 cannot be relevant since the site is not vacant and would not, therefore, be infill development. This is disputed this since the existing dwelling could

be demolished at any point, subject to Prior Notification, at which point the site would be vacant. Notwithstanding this, if the Council do not agree that policy HS7 is relevant, then the provisions of policy BNE5 must apply.

With regards to policy BNE5, the applicant is of the opinion that the site does constitute previously developed land (the agent has provided some case law to demonstrate this).

It is considered that the whole of the site would constitute previously developed land, not just the portion on which the dwelling sits, and consequently there would be no major increase in the developed portion of the site resulting in a greater impact on the Green Belt and the purpose of including land within it.

With regards to CS Policy 1 (f), the applicant argues that this is relevant to this proposal in that the development would be small scale and would constitute infilling. As set out in the Planning Statement, the location of the site is sustainable and thus the criterion of the relevant policies in this respect are met.

With specific regard to openness, whilst there would be a minor localised effect given the increased massing on site, when viewed in the context of neighbouring developments and other developments on Copthurst Lane, it is not considered that this impact would be unacceptable. It is worth noting that when viewed from the popular canal tow path to the rear of Copthurst Lane, several of the properties appear much larger than their frontages suggest; some have balconies, terraces and tiered gardens. It is considered that the proposed dwellings, which would be the same height as the adjacent property, would have no material effect on the openness of the Green Belt, and not one which would warrant a refusal in this instance.

PLANNING CONSIDERATIONS

The principle of the development

13. The application site is located within the Green Belt. The National Planning Policy Framework (the Framework) provides clear details on the importance of the Green Belt and paragraph 87 states that:

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

14. Paragraph 88 of the Framework goes on to say ‘*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, is clearly outweighed by other considerations.*’
15. Paragraph 89 of the Framework states that the construction of new buildings in the Green Belt is inappropriate but sets out a number of exceptions including:
 - Limited infilling in villages, and limited affordable housing for local community needs under policies set out in the Local Plan;
 - Limited infilling or the partial or complete redevelopment of previously developed sites (brownfield land), whether redundant or in continuing use (excluding temporary buildings), which would not have a greater impact on the openness of the Green Belt and the purpose of including land within it than the existing development.
16. The site is not within a village and, therefore, does not fall within the first of these bullet points.
17. The Framework contains a definition of previously developed land which includes land which is or was occupied by a permanent structure, including the curtilage of the developed

land (although it should not be assumed that the whole of the curtilage should be developed) and any fixed surface infrastructure. This excludes land that is or has been occupied by agricultural or forestry buildings.

18. In terms of the Core Strategy, the site is located outside of any defined settlements and is not in a location for growth. Policy 1, criterion f) of the Core Strategy 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.
19. Policy HS7 of the Chorley Local Plan 2012-2026 sets out Chorley Council's approach to residential infilling in villages, which is defined as the filling of a small gap in an otherwise built-up frontage, e.g. typically a gap which could be filled by one or possibly two houses of a type in keeping with the street frontage. The proposed development cannot be considered residential infilling because an existing single dwelling and garage would be demolished and replaced by four dwellings in what could not reasonably be described as a 'small gap'. The site also lies outside of the settlement boundary of Wheelton, which is approximately 300m south east of the site.
20. Policy BNE5 of the Chorley Local Plan 2012-2026 relates to previously developed land within the Green Belt and reflects guidance contained within the Framework as follows:
21. The reuse, infilling or redevelopment of previously developed sites in the Green Belt, will be permitted providing the following criteria are met:
In the case of re-use
 - a) The proposal does not have a materially greater impact than the existing use on the openness of the Green Belt and the purposes of including land in it;
 - b) The development respects the character of the landscape and has regard to the need to integrate the development with its surroundings, and will not be of significant detriment to features of historical or ecological importance.In the case of infill:
 - c) 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.In the case of redevelopment:
 - d) The appearance of the site as a whole is maintained or enhanced and that all proposals, including those for partial redevelopment, are put forward in the context of a comprehensive plan for the site as a whole.
22. The construction of the new dwellings will constitute inappropriate development unless one of the exceptions in the Framework is engaged. 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.
23. 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' but has generally been established as being the absence of buildings or development.
24. It is considered that in respect of the Framework that the existing site has an impact on the openness of the Green Belt. However, it is important to note that merely the presence of an existing building on the application site currently does not justify any new buildings. The new buildings must also not "have a greater impact on the openness of the Green Belt".
25. Whether the proposed dwellings would have a greater impact on openness is to some extent a subjective judgment. Objective criteria could include the volume of the existing

building although it is important to note that the Framework does not include such an allowance or capacity test. To engage with the exceptions of paragraph 89 of the Framework, which is reflected in policy BNE5 of the Local Plan, the test relates to the existing development. Openness and visual impact are two separate concepts. The openness of an area is clearly affected by the erection or positioning of any object within it no matter whether the object is clearly visible or not. The openness test relates to the whole of the application site.

26. It is considered that the erection of four dwellings would have a greater impact on the openness of the Green Belt than the existing bungalow and, therefore, the proposed development represents inappropriate development in the Green Belt and is, therefore, harmful by definition. As such the tests of paragraph 88 of the Framework are engaged which requires that inappropriate development should not be approved except in very special circumstances. These will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations. However, none have been provided. Other harm is considered in the sub-headings below.
27. Furthermore, whilst the precise appearance and design of the dwellings have been left for Reserved Matters stage, the replacement of a bungalow and garage with four semi-detached dwellings cannot reasonably be considered to maintain the general appearance of the application site as a whole. The proposal is, therefore also considered to be contrary to policy BNE5 of the Chorley Local Plan.

Design and amenity

28. 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:
 - 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.
 - b) The development would not cause harm to any neighbouring property by virtue of overlooking, overshadowing or overbearing.
29. The precise design of the dwellings would not be known until the Reserved Matters application has been submitted and so a full analysis of the impacts upon neighbour amenity cannot be undertaken at this stage, although layout is applied for and a site layout plan has been provided. However, providing no windows to habitable rooms are proposed within the side elevations of the properties, given their position and orientation in line with adjacent properties, it is not considered there would be any unacceptable impacts upon the occupiers of the adjoining properties of Malvern House and Denham. The rear elevation of the southernmost of the four proposed dwellings would be set back beyond the building line of the proposed properties to the north and Malvern House to the south. However, it does not appear that the rear elevation would project beyond a 45 degree guideline from the rear edge of the closest ground floor habitable room window on the adjacent properties a guideline generally used to assess impact on neighbouring properties.
30. There is no uniform style to dwellings along Copthurst Lane which includes a mixture of detached two-storey dwellings, bungalows and cottages. It is considered that the absence of existing semi-detached properties would not render the proposal harmful. However, this part of Copthurst Lane has a semi-rural feel to it. Opposite the site is a field bounded at the roadside by a grass verge and native hedge, with trees further up the lane. The existing properties on the northwest side of Copthurst Lane have low boundaries and/or hedges/planting fronting the lane. This gives an overall leafy appearance to the lane defined by properties with front boundary treatments. The proposed layout shows two parking spaces, side-by-side, for each of the properties along the frontage of the site. The proposed density and building to plot ratio results in a substantial amount of hardstanding to the front with no boundary treatments (and no opportunity for them to be introduced). It is considered this would result in a visual urbanising of the immediate vicinity and it is

considered that the proposed development would be out of character with the existing streetscene of this part of Copthurst Lane and is, therefore, contrary to policy BNE1 of the Chorley Local Plan 2012 – 2026.

Impact upon ecology

31. A bat survey has been undertaken by an experienced and bat licensed ecologist in support of the planning application and the report states the following (in summary):

The survey found no evidence of bat roosts or bats in the building to be demolished and roost potential was considered to be low. The surveyor does not consider the proposed development and change of use is likely to result in a breach of the Conservation (Natural Habitats &c.) Regulations 1994 (as amended) therefore the proposed development does not require an EPS Licence (EPSL) to proceed lawfully.

In the unlikely event bats are discovered or disturbed during building renovation and development, work must be halted until the bat licence holder can attend the site and give further advice as necessary.

32. In light of the above it is considered that any unacceptable impacts upon ecology are unlikely.

Provision of parking spaces and highway safety

33. 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. The application seeks outline permission for the layout of the development and shows two off-road parking spaces per dwelling. This meets the Council's standards for three bedroom properties as set out in policy ST4, but results in an unacceptable design/layout as detailed above.

Public open space

34. In line with policy HS4 of the Chorley Local Plan 2012 – 2026, a contribution towards the provision or improvement of public open space (POS) would normally be required to address local needs. This would need to be secured through a Section 106 Obligation unless there is no local evidence of need to outweigh national policy in regards to open space.

Community Infrastructure Levy

35. 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 will be a chargeable development and the charge is subject to indexation in accordance with the Council's Charging Schedule.

CONCLUSION

36. It is considered that the erection of four dwellings would have a greater impact on the openness of the Green Belt than the existing bungalow and, therefore, the proposed development represents inappropriate development in the Green Belt and is, therefore, harmful by definition. As such the tests of paragraph 88 of the Framework are engaged. This states that inappropriate development should not be approved except in very special circumstances. These will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations. It is considered that there is also other harm to the Green Belt by virtue of the proposed density and building to plot ratio which results in a substantial amount of hardstanding to the front with no boundary treatments which would result in a visual urbanising of the immediate vicinity. It is considered that because of this, the proposed development would also be out of character with the existing streetscene of this part of Copthurst Lane and is, therefore, contrary to policy BNE1 of the Chorley Local Plan 2012 – 2026. It is not considered that

there are very special circumstances to outweigh the harm to the Green Belt or the character of the area and it is 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.

RELEVANT HISTORY OF THE SITE

Ref: 90/01092/FUL **Decision:** Permitted **Decision Date:** 28 February 1991
Description: New pitched roof over

Reasons for refusal

1. The proposed development would be located within the Green Belt as defined by the Chorley Local Plan 2012 – 2026. It would not constitute infilling and is not located within a village. The proposed development would have a greater impact on the openness of the Green Belt than the existing development and would result in other harm to the Green Belt as a consequence of the substantial amount of hardstanding to the front of the proposed dwellings with no boundary treatments which would result in a visual urbanising of the immediate vicinity. It is not considered that there are very special circumstances to outweigh the harm to the Green Belt and, therefore, the proposed development is inappropriate development and contrary to the National Planning Policy Framework, Policy 1(f) of the Central Lancashire Core Strategy of the Chorley Local Plan 2012 – 2026. .
2. The proposed development, by virtue of its density and massing, would have an unacceptable impact on the general appearance of the application site. The proposed development is, therefore, contrary to the National Planning Policy Framework and policy BNE5 of the Chorley Local Plan 2012 – 2026.
3. The proposed development, by virtue of its density and building to plot ratio, would result in a substantial amount of hardstanding to the front of the proposed dwellings with no boundary treatments and would result in a visual urbanising of the immediate vicinity which would be detrimental to and out of character with the existing streetscene of this part of Copthurst Lane. The proposed development is, therefore, contrary to policy BNE1 of the Chorley Local Plan 2012 – 2026.