

## **APPLICATION REPORT – 17/00815/FUL**

**Validation Date: 16 August 2017**

**Ward: Pennine**

**Type of Application: Full Planning**

**Proposal: Erection of detached bungalow**

**Location: Land Adjacent To 26/28 Spring Crescent Whittle-Le-Woods**

**Case Officer: Mike Halsall**

**Applicant: Mr Glazier/Kevill**

**Agent: Charchris Design Consultancy**

**Consultation expiry: 8 September 2017**

**Decision due by: 13 October 2017**

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Members will recall that this application was deferred for a site visit at the previous committee meeting. This has now taken place.

### **RECOMMENDATION**

1.1 Permit full planning permission.

### **SITE DESCRIPTION**

1.2 The application site is located on a corner plot between Nos. 26/28 to the north and No.24 Spring Crescent to the west in the village of Whittle-le-Woods. The site is currently used as an area of informal open space consisting of tended lawn area and shrubs. It is understood that the site is currently maintained and used by local residents. The site backs-on to the A674 which is located to its south eastern boundary, beyond which are further residential properties.

### **DESCRIPTION OF PROPOSED DEVELOPMENT**

1.3 The proposal relates to the erection of a two bedroom bungalow with pedestrian and vehicle access directly off Spring Crescent.

### **REPRESENTATIONS**

1.4 Five letters of objection have been received, the contents of which can be summarised as follows:

- The land would be better suited to be used for a community project, such as allotments;
- Concerns that the turning circle outside the property will be impacted and there will be more on-street parking;
- Damage to the road from construction HGVs;
- There is enough new housing sites elsewhere;
- Proposed lounge window would result in overlooking;

- The proposed property does not have any redeeming features in terms of views, garden and light enhancement;
- Service provision will have a major impact upon No. 24 and No. 26 Spring Crescent;
- Impacts from contractor vehicles;
- The applicant could later apply for a dormer which would have privacy issues on No. 26 and 28;
- Views from No. 26 and 28 will be negatively impacted;
- Criticism of consultation process as not all residents in the street received letters and no notice was visible in the street;
- Blocking of road and footpaths from on-street parking, safety concerns for children and the elderly;
- There is a weight restriction on Moss Lane and HGV drivers may use this;
- There has been slippage in the area which could be worsened by the proposal;
- The plot size is too small;
- Noise from construction works;
- The road is difficult to negotiate when icy/wet;
- There will be less soakaway area and this will increase flow of water down the road, the drains cannot cope already;
- Harm to wildlife and there will be less oxygen in the air from loss of trees.

1.5 The noise and other impacts created by the proposed development during construction work would be limited and temporary and could be controlled by planning condition requiring the submission of a construction method statement. It is therefore considered that these issues do not require any further consideration within this report.

1.6 The site, being a tended grassed area, is considered to have low ecological value; however, a condition could be added to any grant of planning permission for the protection of any nesting birds during construction work.

1.7 With regards to surface water drainage, this can be controlled by planning condition to ensure a scheme is designed to avoid flooding.

1.8 The council carried out its statutory duty with regards to publicity and sent letters to neighbouring landowners and a site notice was also erected and photographed for evidence.

1.9 All other issues identified above, where considered to be material planning considerations, are addressed within the Planning Considerations section below.

## **CONSULTATIONS**

1.10 Parish Council – responded to state that this area is situated in the green belt and does not seem to be infill. The Parish Council has requested that Chorley Council inspect the original site plan as this plot of land may be classed as amenity land (this issue is dealt with within the Planning Considerations section below).

1.11 CIL Officer – responded to state that this application would be CIL Liable on approval.

1.12 Lancashire Highway Services – has responded with no objections to the proposal but recommended an advice note should be attached to any planning decision notice in relation to proposed works to the public highway.

1.13 Environment Agency – responded to state that it had no comments to make.

1.14 United Utilities – initially responded to state that there is a water main crossing the site and they will not permit development in close proximity to the main, explaining that a diversion may be required at the applicant's expense. However, the applicant later clarified this with United Utilities which further responded with plans showing the location of the pipeline

which, whilst clips the application site boundary, does not interact with the area of proposed built development.

- 1.15 In addition to the above, the United Utilities response also suggests that should this application be approved and the applicant wishes to progress a Section 104 agreement, no construction commences 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 has been made aware of these comments.

## **PLANNING CONSIDERATIONS**

### The principle of the proposed development

- 1.16 The application site is located within the Green Belt. The National Planning Policy Framework (The Framework) confirms that 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.
- 1.17 In Green Belt development will only be permitted, in accordance with the Framework, if it falls to be considered not to be inappropriate development or where very special circumstances can be demonstrated. The Framework confirms that '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.
- 1.18 Paragraph 89 of the Framework states that a local planning authority should regard the construction of new buildings as inappropriate in the Green Belt, although there are some exceptions to this rule which include; limited infilling in villages.
- 1.19 The site is not located within an area identified for growth within the Central Lancashire Core Strategy policy 1 and falls to be considered as an 'other place'. Criterion (f) of Core Strategy Policy 1 reads as follows:
- "In other places – smaller villages, substantially built up frontages and Major Developed Sites – development will typically be small scale and limited to appropriate infilling, conversion of buildings and proposals to meet local need, unless there are exceptional reasons for larger scale redevelopment schemes."*
- 1.20 Policy HS7 of the Local Plan is relevant to the proposal and states:
- "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. Infill is the filling of a small gap in an otherwise built-up street frontage, e.g. typically a gap which could be filled by one or possibly two houses of a type in keeping with the character of the street frontage. When assessing applications for rural infill sites, the Council will also have regard to site sustainability, including access to public transport, schools, businesses and local services and facilities."*
- 1.21 Spring Crescent clearly represents a built-up street frontage within a village that is part of Whittle-le-Woods and the proposal would infill a corner plot / gap within that frontage between Nos. 26/28 and No.24 Spring Crescent. The proposed dwelling, as shown on the submitted layout plan, would not extend the existing frontage as it appears set-back from the road. The property is bound to the south east by the A674, beyond which are further residential properties. The proposal, therefore, constitutes infill within a village and complies with policies HS7 of the Local Plan and does not represent inappropriate development in

the Green Belt. Furthermore, the proposed scale of the development, a bungalow, is small so complies with Central Lancashire Core Strategy policy 1.

1.22 With regards to the loss of open space, policy HW2 of the Local Plan seeks to protect such areas, unless:

- a. Alternative facilities of an equivalent or enhanced standard are provided nearby before the existing facilities cease to be available; or
- 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
- c. The site is not identified as being of high quality and/or high value in the Open Space Study; and
- d. It can be demonstrated that retention of the site is not required to satisfy a recreational need in the local area; and
- e. The site does not make a significant contribution to the character of an area in terms of visual amenity.

1.23 Given that there is currently a surplus of open space provision within the Pennine ward and the quality of the site was not assessed by the Open Space Study as it is less than 0.2 hectares in area, it is considered that criterion b and c of policy HW2 have been met. The site is located at the end of a small cul-de-sac and is currently looked after by local residents but this is not considered to represent a local recreational need. Whilst it has been well tended to and is an attractive feature within the street scene, given its small size, it is not considered to provide a significant contribution to the character of the area in terms of visual amenity. There is therefore no conflict with policy HW2 of the Local Plan.

#### Design and amenity

1.24 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.

1.25 There are a mixture of semi-detached and detached bungalows and dormer bungalows on Spring Crescent. The proposed dwelling would occupy a similar footprint and would be of a similar height to the other detached bungalows. It is not considered therefore that the proposal would have a significant detrimental impact upon the surrounding area in terms of the criteria listed within part a) of Local Plan policy BNE1.

1.26 The separation distances of the proposed dwellings with neighbouring properties is in keeping with those specified within Chorley Council's Householder Design Guidance Supplementary Planning Document (SPD) 2017. The proposal would therefore be unlikely to result in any harm from overlooking, overshadowing or overbearing and is therefore considered to comply with policy BNE1 of the Local Plan.

#### Provision of parking spaces and highway safety

1.27 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 proposal meets the Council's standards for a two bedroom property as set out in Policy ST4. Lancashire Highway Services has responded to the consultation with no objections. It is therefore considered that the proposed development is acceptable on parking and highways grounds.

#### Public Open Space (POS)

- 1.28 The Development Plan requires affordable housing / public open space contributions for new dwellings to be provided in order to overcome the harm of developments being implemented without facilities being provided.
- 1.29 A written Ministerial statement from the 28 November 2014 sought to set a National Policy and remove the ability of Councils to secure S106 contributions on small sites (i.e. 11 or less) and resulted in the National Planning Practice Guidance (NPPG) being changed. This was challenged by a consortium of Councils in the High Court who were successful and the change to the NPPG was removed. Chorley resisted the change to the NPPG and applications were processed through Committee rather than delegated decision (officers gave up their delegated powers).
- 1.30 The Government challenged the decision of the High Court in the Court of Appeal on four grounds and the outcome was that on the 13 May the decision gave legal effect to the written Ministerial Statement of 28 November 2014. The NPPG has been changed again but highlights that the Ministerial statement should be taken into account. The Ministerial Statement (28 November 2014) carries weight in the decision making process, as does the National Planning Policy Guidance.
- 1.31 The Court of Appeal judgement does however state that “the aim or goal of a policy’s author is that his policy should be followed” this remains subject to “the proper operation of s 38(6)” and that the policy guidance does not have to explicitly express that an alternative view can be reached as “the changes were introduced as policy, not binding law”. The judgement goes on to highlight “In the determination of planning applications the effect of the new national policy is that although 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 as compared with the new national policy” (evidence submitted on behalf of the SofS). 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 1 or 2 dwellings.
- 1.32 It is considered that the benefit of securing a public open space contribution on the basis of one/two dwellings (which would now be £134/£268) would not be sufficient or carry significant weight to outweigh the national policy position. The benefit to the Council is the delivery of improvements to play space however the cost of managing the end to end process of delivering those improvements is high and not commensurate to the benefit. The likely success of delivering improvements is also in doubt due to the difficulty of identifying schemes to pool small amounts of money secured through Section 106 agreements.
- 1.33 Therefore a POS commuted sum is not requested for this scheme.

### **Community Infrastructure Levy**

- 1.34 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**

- 1.35 The proposal is not considered to represent inappropriate development in the Green Belt as it represents an infill plot within a village. The proposed development is also acceptable in terms of its design, the resultant loss of open space and impacts upon the amenity of neighbouring residents and the environment. The proposal complies with the policies of the

Adopted Chorley Local Plan and the National Planning Policy Framework and is therefore recommended for approval.

**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

1. The proposed development must be begun not later than three years from the date of this permission.

*Reason: Required to be imposed by Section 51 of the Planning and Compulsory Purchase Act 2004.*

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

Title	Plan Ref	Received On
Location Plan	N/A	14 August 2017
Site/Bungalow Plan	17.12.01	9 August 2017
Elevations	17.12.02	14 August 2017

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

3. A scheme for the landscaping of the development and its surroundings shall be submitted prior to the first occupation of the development. These details shall include 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.

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.

*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.*

4. No development shall take place until a scheme for the provision and implementation of a surface water regulation system has been submitted to and approved in writing by the Local Planning Authority. No part of the development shall be occupied until the scheme has been implemented in accordance with the approved plans.

*Reason: To secure proper drainage and to prevent flooding. This is required to be pre-commencement as drainage systems typically are required to be integrated with the groundworks*

5. No development shall take place until a Construction Method Statement has been submitted to, and approved in writing by, the local planning authority. The approved Statement shall be adhered to throughout the construction period. The Statement shall provide for:

- i. the parking of vehicles of site operatives and visitors
- ii. hours of operation (including deliveries) during construction
- iii. loading and unloading of plant and materials
- iv. storage of plant and materials used in constructing the development
- v. the erection and maintenance of security hoarding
- vi. measures to control the emission of dust and dirt during construction
- vii. a scheme for recycling/disposing of waste resulting from demolition and construction works.

*Reason: in the interests of highway safety and to protect the amenities of the nearby residents. This is required to be a pre-commencement condition as the scheme relates to the control of construction activities.*

6. All new dwellings are required to achieve a minimum Dwelling Emission Rate of 19% above 2013 Building Regulations.

*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.*

7. 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.

*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.*

8. 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 Local Planning Authority demonstrating that the dwelling has achieved the required Dwelling Emission Rate.

*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.*

9. Prior to their installation, 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.*