

**Item 1**                      **11/00823/FUL**

**Case Officer**              **Mr Niall Mellan**

**Ward**                         **Lostock**

**Proposal**                    **Erection of detached dwelling on land north of Sidegate Cottage**

**Location**                   **Land North Of And Adjacent To Sidegate Cottage Pompian Brow  
Bretherton Lancashire**

**Applicant**                 **Mr & Mrs D Waterworth**

**Consultation expiry:**   **10 October 2011**

**Application expiry:**   **4 November 2011**

1. The application seeks planning permission for the erection of a two storey detached dwelling. The dwelling will contain four bedrooms and will have an integral garage to the side and small garden room to the rear. The dwelling will measure 15.3m wide (including the garage), 10.2m deep, have a height of 5m to the eaves, 8.3m to the ridge and is to be externally rendered in an Ivory colour.
2. The site is located on Pompian Brow which is a residential street surrounded by Green Belt within the Bretherton rural settlement boundary. The streetscene contains a mixture of terraced, semi-detached and detached dwellings of varying design. To the north of the site, separated by two tracks are terraced dwellings and to the south is Sidegate Cottage which is a recently erected replacement dwelling. To the east is open fields and to the west is Pompian Brown Farm and detached bungalows.
3. The site which is overgrown with trees and shrubs once formed the extended curtilage to the original Sidegate Cottage and was historically used as an orchard. The site is adjacent to the Bretherton conservation area to the south of the street.

#### **Recommendation**

4. It is recommended that this application is granted planning permission subject to the signing of a legal agreement.

#### **Main Issues**

5. The main issues for consideration in respect of this planning application are:
  - Principle of the development
  - Background information
  - Impact on the neighbours
  - Design
  - Trees and Landscape
  - Traffic and Transport

#### **Representations**

6. 8 letters of objection have been received some of which relate to an application on land to the south of Sidegate Cottage (11/00822/FUL) and the replacement dwelling at Sidegate Cottage. The concerns raised regarding this application are as follows:
  - Further building would detract from rural aspect that has always been a characteristic of this lane;
  - New buildings will deprive us of valuable wildlife resources;
  - Utility problems since replacement dwelling erected;
  - Dwelling will compromise access to already existing properties;
  - Out of character;
  - What is needed in Bretherton is affordable low-cost housing not large urban properties;
  - The building is for profit and not for the developers housing needs;
  - The land is not curtilage of Sidegate Cottage;
  - Parking problems;
  - Building to be built on old orchard
7. **Cllr Moulton** has submitted representations and raised that the land was an old orchard and is

therefore not domestic curtilage and due to previous discussions at Committee about the status of the land being garden or otherwise it has been requested that the application is decided at Committee.

8. Bretherton Parish Council – Object to the proposal. Following the Parish Council meeting a planning matrix outlining concerns has been submitted. Concerns include:
- The development represents overdevelopment as the proposed building is within the curtilage of Sidegate Cottage and planning permission has been refused in the past on these grounds;
  - Vehicles should be able to enter and exist in forward gear;
  - A bat/owl survey is recommended;
  - Drainage issues in the past;
  - S106 money should be put towards maintenance of Pompian Brow due to potential increase in traffic;

### Consultations

9. **Chorley's Policy Team** – The site does not appear to be a garden and is considered to be a Greenfield site. The site could be considered an infill site in accordance with policy GN4. The applicant needs to demonstrate there are no other suitable allocated or previously developed sites available in the settlement in accordance with policy HS6 (f).
10. **Chorley's Conservation Officer** – Objects to the application. The development would have a detrimental impact upon the Bretherton Conservation Area. The continued degradation of the open grained character to the settlement and the use of anonymous building designs will cause visual harm to the significance and setting of the conservation area.
11. **Director People and Places** - Due to the sensitive end-use of the development it is recommended that the applicant submits to the Local Planning Authority a report to identify any potential sources of contamination on the site and where appropriate, necessary remediation measures.
12. **United Utilities** – Comments requested but not received at the time of writing this report.

### Assessment

#### Background Information

13. Sidegate Cottage, which was recently replaced and historically had a curtilage which extended to include the application site as well and land to the south of the cottage. This is evident in Information submitted with previous applications for example 08/01218/FUL and 96/00483/OUT. Historic maps confirm that the land surrounding Sidegate Cottage, to both the north and south was historically an orchard that formed the extended curtilage of the original dwelling. This curtilage has now been divided into three plots.
14. To the south of the application site is the recently built Sidegate Cottage. To the south of this is another plot which benefits from planning permission for a dwelling granted at appeal (10/00006/FUL). The case officer who dealt with the application considered that the land was garden curtilage. At the appeal Inspector recognised that the site was no longer considered previously developed land following the amendments to PPS3. However he considered the proposal would contribute positively to the character and appearance of the area and viewed the site as an infill plot in the rural settlement. A planning application is currently under consideration for amendments to the layout and design of this dwelling (11/00822/FUL).
15. Whilst it is recognised that the site was originally once part of the curtilage of Sidegate Cottage it was never domestic garden. Notwithstanding this, the site is an overgrown plot of land no longer formally associated with Sidegate Cottage and is therefore considered Greenfield land.

#### Principle of the development

16. It is accepted that the site is not garden and therefore the Council's Interim Planning Policy on 'garden grabbing' does not apply.
17. The Greenfield site is located in the rural settlement of Bretherton where policy GN4 applies. To be acceptable under policy GN4, proposals should accord with one (or more) of its criteria. Criterion (a) of the policy relates to infill sites. This site lies between Sidegate Cottage and the property at 20 Pompian Brow. In the preamble to GN4 it states that "*infill sites will typically be no larger than an open (wall to wall) gap between two buildings of 40 metres*". There are approximately 39m between the property at 20 Pompian Brow and Sidegate Cottage (with two field accesses also between the properties). Therefore, under this definition, the site could be considered an infill site in relation to criterion (a) of policy GN4.

18. When viewed in the context of the streetscene, the site does appear to be an infill plot in a substantial built up frontage on the east side of Pompian Brow. The two small tracks that lead to the fields to east do not break up this frontage. It is also worth noting that the Inspector in deciding the appeal for the dwelling on land to the south of Sidegate Cottage, considered the site to be infill, which was a much greater distance between buildings.
19. This proposal is on Greenfield land and is within a settlement excluded from the Green Belt and as such policy HS6 applies. Criterion (f) of Policy HS6 states that in the case of previously undeveloped sites, applicants are required to demonstrate that there are no suitable allocated or previously developed sites available in the settlement. The applicant has submitted a letter from Acland Bracewell surveyors who represent Lilford Estate who apparently own most of the land in Bretherton. This letter states that Lilford Estate do not have any Brownfield sites suitable for development that could be made available for disposal at the current time. The agent has carried out a survey of the area which concludes there are no other areas suitable for development.
20. The agent has been directed to the Council's Housing Land Monitoring Report to assess if there are any Brownfield sites with permission for housing within the settlement.

#### Impact on the neighbours

21. The closest neighbour is the newly constructed Sidegate Cottage some 5m to the south of the proposed building. Due to an existing close boarded fence on the south boundary, there is no overlooking at ground floor level to this property. Sidegate Cottage contains a first floor side window which is obscure glazed serving a bathroom. The south facing elevation of the proposed dwelling contains no first floor windows and therefore there are no issues of overlooking between the proposed dwelling and Sidegate Cottage.
22. The neighbour to the north (no.20) contains a first floor side window although this is obscured. The proposed dwelling will have a first floor side window serving a landing which will be a distance of 21m away from this neighbour's property and 17m from their boundary. This distance complies with the council's interface distances which imply there will be no significant overlooking. For these reasons, there is no requirement to condition this first floor window on the north elevation to be obscure glazed.

#### Design and appearance

23. It is noted that the Bretherton Conservation Area begins further south of the site at Elm Cottage approximately 60m south of the site. The conservation officer has raised an objection to the proposal as the building design has a detrimental impact on the conservation area as it "*continues the theme of parachuting in buildings that have no particular affinity to the location.*"
24. The streetscene comprises a mix of different designed dwellings including rendered ex-council houses to the north, timber style bungalows to the west and modern brick properties to the south. The proposed dwelling will be rendered and finished in an ivory colour. There are examples of similarly finished dwellings both north and south of the site (as well as the extant permission for the dwelling to the south of Sidegate Cottage) and as such the proposed materials will not be out of character in the streetscene.
25. The front elevation of the dwelling would be set back a similar distance to Sidegate Cottage. There is no consistent pattern with regard to the proximity of properties to the road. The building will sit on slightly higher level than the highway although it would be a similar height as Sidegate Cottage and would not be unduly prominent in the streetscene.
26. It is noted that the building is outside the conservation area. Sidegate Cottage and the site to the south of this replacement dwelling come between the application site and the conservation area and therefore the building will not directly impact on the conservation area. It is also worth noting that the site to the south has planning permission (granted at appeal) for a dwelling to be finished in a similar ivory render as what is proposed. Taking account of the conservation officers concerns, on balance it is not considered that the proposal will adversely impact on the character of the area or the conservation area.

#### Ecology

27. Neighbours have raised that bat and owl surveys should be carried out. It is noted that the site does not contain any buildings. There are a few pear trees to the rear of the site, however these are small and it is doubtful that bats would roost in them. Having spoken to LCC Ecology, it has been advised that the wider rural area which contains ponds and open fields may be a territory for owls and bats. The applicant has submitted with this application a bat report that supported the proposal to replace Sidegate Cottage (08/01218/FUL), which concluded that the site was of low value in relation to a breeding roost for all bat species. Taking account of this and the current state of the site, in that it has

no buildings, limited trees and is mainly overgrown, it is considered unlikely that there are bats or owls present.

#### Trees and Landscape

28. Issues were raised about loss of trees at the site. The Council's arboriculture officer has visited the site and has no objection to the removal of some of the trees.

#### Traffic and Transport

29. The proposed car parking arrangements will provide for 3 spaces in accord with the RSS parking standards for a 4 bed-roomed dwelling and the proposed garage is of acceptable size. A vehicle turning space is also proposed enabling vehicles to enter and leave in a forward gear

30. With regards the new access, LCC Highways has suggested conditions to ensure there is adequate visibility at the site by capping the height of the hedge to 0.9m. This will ensure satisfactory sightlines.

#### Section 106 Agreement

31. The proposal is for the erection of a new dwelling which may require a commuted sum for the provision or upgrading of equipped play areas, casual / informal play space and playing fields within the borough of Chorley. The open space officer has confirmed that Bretherton has a central recreation area into which he advises the sum could be invested. Although this is a fairly new facility (less than 12months old) it is advised that there will always be additional work to be carried out or features added.

#### **Overall Conclusion**

32. The issues raised by the representations and consultees have been taken in to consideration. On balance it is viewed that the proposal is acceptable in principle as an infill plot in compliance with policy GN4 of the Local Plan. The design and siting is acceptable and there would be no detrimental impact on highway safety and neighbour amenity. It is therefore recommend for approval subject to signing of s106 agreement to secure play space contributions.

#### **Planning History**

96/00483/OUT - Outline application for erection of five detached dwellings – Withdrawn – 11 October.2004

#### **Recommendation: Permit (Subject to Legal Agreement)**

##### **Conditions**

1. **Surface water must drain separate from the foul and no surface water will be permitted to discharge to the foul sewerage system.**  
*Reason: To secure proper drainage and in accordance with Policy Nos. EP17 and EM2 of the Adopted Chorley Borough Local Plan Review.*
2. **Surface water must drain separate from the foul and no surface water will be permitted to discharge to the foul sewerage system.**  
*Reason: To secure proper drainage and in accordance with Policy Nos. EP17 and EM2 of the Adopted Chorley Borough Local Plan Review.*
3. **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.*
4. **Before the development hereby permitted becomes operative, the existing hedgerow on the highway frontage of the site to Pompian Brow shall be reduced to and be permanently maintained henceforth at a height not greater than 900m above the crown level of the carriageway of Pompian Brow.**  
**Reason: To ensure adequate visibility for the drivers of vehicles entering and leaving the site.**
5. **The layout of the development shall include provisions to enable vehicles to enter and leave the highway in forward gear and the vehicular turning space shall be laid out and be available for use before the development is brought into use.**  
**Reason: Vehicles reversing to and from the highway are a hazard to other road users.**
6. **Before the access is used for vehicular purposes, that part of the access extending from the highway boundary for a minimum distance of 5m into the site shall be appropriately paved in tarmacadam, concrete, block paviments, or other approved materials.**  
**Reason: To prevent loose surface material from being carried on to the public highway thus**

causing a potential source of danger to other road users.

7. The integral/attached garage shall be kept freely available for the parking of cars and shall not be converted to living accommodation, notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995.  
*Reason: To ensure adequate garaging/off street parking provision is made/maintained and thereby avoid hazards caused by on-street parking and in accordance with Policy No.TR8 of the Adopted Chorley Borough Local Plan Review.*
  
8. The development hereby permitted shall not commence until full details of the colour, form and texture of all external facing materials to the proposed building(s) (notwithstanding any details shown on the previously submitted plan(s) and specification) have been submitted to and approved in writing by the Local Planning Authority. The development shall only be carried out using the approved external facing materials.  
*Reason: To ensure that the materials used are visually appropriate to the locality and in accordance with Policy Nos. GN5 of the Adopted Chorley Borough Local Plan Review.*