

Item 4f **12/00359/OUT**

Case Officer **Adele Hayes**

Ward **Euxton South**

Proposal **Outline application for the erection of one detached dwellinghouse and garage, all matters reserved**

Location **33 Church Walk Euxton Chorley PR7 6HL**

Applicant **Mr & Mrs F M Fielding**

Consultation expiry: 23 May 2012

Application expiry: 30 May 2012

Proposal

1. This application seeks outline planning approval for erection of a single dwelling and detached garage. The application seeks to establish the acceptability of the principle of the proposal only with all matters of detail reserved for subsequent approval.
2. The application site currently forms part of the garden area associated with 33 Church Walk and is currently occupied in part by a detached timber garage. The northern boundary fronts a turn facility on the road. The eastern boundary is shared with the adjoining bungalow. Beyond the southern boundary there is an established and mature woodland.
3. The front portion of the site is relatively flat although the land falls steeply down to a stream to the rear of the site.
4. The dwellings in the vicinity of the application site include detached bungalows and houses. They are generally well spaced, within generous plots and set back from the road. The properties are brick built with concrete tiled roofs.

Recommendation

5. It is recommended that this application is granted conditional outline planning approval subject to the associated Section 106 Agreement

Main Issues

6. The main issues for consideration in respect of this planning application are:
 - The acceptability of the principle of the development
 - Impact on the neighbours
 - Open Space
 - Traffic and Transport

Representations

7. No letters of objection have been received
8. No letters of support have been received

Consultations

9. **The Environment Agency – no objections**

10. **United Utilities – no objections**
11. **Lancashire County Council (Highways) – no objections**
12. **The Coal Authority – recommend standing advice**
13. **The Parish Council** – No comments have been received to date although it would appear that there was a significant delay between the consultation being dispatched and it being received by the Parish Council.

Assessment

Principle of the development

14. The application site forms part of the domestic garden associated with no. 33 Church Walk and is well maintained.
15. In accordance with the policy guidance set out within the National Planning Policy Framework (NPPF) the site is considered to be previously undeveloped land (greenfield).
16. The site is located within the settlement boundary of Euxton and as such the council's interim planning policy on 'Private Residential Garden Development' is relevant. The interim policy states that:

Within the boundaries of settlements applications for development within private residential gardens on sites not allocated in saved Local Plan Policy HS1 will only be permitted for:

- *Agricultural workers dwellings/dependents where there is a proven need and where they need to be located in a specific location.*
- *Appropriately design and located replacement dwellings where there is no more than one for one replacement.*
- *The conversion and extension of buildings, provided they are not allocated for, currently used for, or their last use was for, employment uses and the conversion would have significant urban regeneration benefits.*

17. Chorley Council has also prepared a Site Allocations and Development Management Policies Development Plan Document (DPD) as part of preparing the Local Development Framework. This has recently been the subject of a public consultation exercise although an examination in public has not yet taken place. The emerging DPD contains a policy on 'Residential Garden Development' (ref. HS4) to which some limited weight can be afforded at this stage of the plan making process.
18. The erection of a single dwelling on this site does not fall within any of the specified appropriate forms of development in private residential gardens as defined in either the interim and emerging policies.
19. The interim policy has been adopted in order to address growing concerns regarding the impact of such developments across the Borough, such as compromised privacy, reduced garden size, impact on daylight and sun light, traffic generation and changes to the character of the surrounding area. The 2010 Central Lancashire Strategic Housing Land Availability Assessment indicates that Chorley has a 5.9 year deliverable housing supply. Land with potential for housing is also identified for the 6-10 year and 11-15 year periods. Therefore, the Borough's future housing requirements can be met from existing housing allocations, previously developed sites and safeguarded land without reliance on garden development.
20. The NPPF states that the local planning authorities should consider the case for setting out policies to resist inappropriate development of residential gardens. The NPPF states that planning decisions should respond to local character and history and add to the quality of the area. The purpose of restricting garden development in the Borough is to ensure that the amenity and character of the local area is maintained and enhanced.

21. However, the loss of greenfield land is not necessarily synonymous with a position that all development of such land is unacceptable, particularly where a proposal accords with the Council's sustainable development objectives.
22. Indeed both the Council's interim policy and emerging policy on residential garden development recognises that beyond the criteria listed within the policy, garden development may be permitted in exceptional circumstances, subject to material considerations, providing that it can be demonstrated that the proposed development would be in keeping with the character of the local area.

Impact on the neighbours

23. The closest neighbour is 31 Church Walk, which is a bungalow located to the east. There are no habitable room windows which would face the proposed dwelling or indeed in the applicant's existing property to the west. It is considered that the relationship would be acceptable and would not result in a reduction in the level of residential amenity currently enjoyed by the occupiers of these dwellings. The interface distance between the dwellings located on the opposite side of Church Walk would be in excess of 25 metres which is considered to be acceptable.

Impact on character of the Area

24. This application is made in outline with all matters reserved. Details of the layout, design and access arrangements are reserved for subsequent approval.
25. There are both bungalows and two storey houses within the immediate street scene. The submitted Design and Access Statement sets out indicative parameters which illustrate that the proposed dwelling would have a footprint of 9m by 8.5, with a ridge height similar to neighbouring houses at 7.5m. The garage would have a footprint of 3m x 8.5m.
26. The proposed dwelling would essentially result in an infill form of development within the street scene. Although it would clearly result in an increase in the extent of built form in the locality, the general character of the area would be unaffected.

Traffic and Transport

27. The details of the access will be assessed at reserved matters stage but the County Highway Engineer has commented that he has no objections in principle to the proposal.

Section 106 Agreement

28. The development would result in an additional dwelling and as such there is a requirement for a commuted sum of £1,379 for the provision or upgrading of equipped play areas, casual/informal play space and playing fields within the area. The Council's Parks and Open Spaces Manager has been asked to confirm which existing play area could benefit from investment. A letter has been sent to the agent informing them of this and the Council's Legal Services team are drafting a Section 106 agreement to secure payment.

Overall Conclusion

29. The proposal would extend the form of built development within the street scene but the general character of the area would remain unchanged. Furthermore the indicative size and scale of the proposed dwelling would reflect the surrounding properties and would not appear unduly incongruous or conspicuous within the street scene. It is considered that a single dwelling on this site would be compliant with the provisions of the council's policy. It is also accepted, particularly given the sustainability credentials of the site, that the release of this small, effectively windfall site, would not prejudice the overall delivery of housing elsewhere in the Borough.

30. It is therefore recommended that the application is approved subject to a Section 106 Obligation.

Planning Policies

National Planning Policies:

National Planning Policy Framework (NPPF)

Adopted Chorley Borough Local Plan Review

Policies: GN1, GN5, HS4, HS6, HS21, TR4

Joint Core Strategy

Sites for Chorley- Issues and Options Discussion Paper December 2010

HS4

Planning History

Ref: 11/00249/TPO **Decision:** Approved **Decision Date:** 6 May 2011
Description: Felling of diseased tree to the rear of 33 Church Walk covered by TPO 1 (Euxton) 1971

Ref: 11/00055/TPO **Decision:** Approved **Decision Date:** 20 April 2011
Description: Pruning of a Beech tree at 33 Church Walk, Euxton

Ref: 93/00502/FUL **Decision:** Approved **Decision Date:** 7 October 1993
Description: Erection of garage/workshop to side

Recommendation: Permit Outline Planning Permission Conditions

1. **An application for approval of the reserved matters (namely the appearance, layout, scale and landscaping of the site) must be made to the Council before the expiration of three years from the date of this permission and the development hereby permitted must be begun two years from the date of approval of the last of the reserved matters to be approved.**

Reason: Required to be imposed by Section 92 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

2. **The approved plans are:**

Plan Ref.	Received On:	Title:
N/A	2 April 2012	N/A

Reason: To define the permission and in the interests of the proper development of the site.

3. **All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in 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, unless the Local Planning Authority gives written consent to any variation.**

Reason: In the interest of the appearance of the locality and in accordance with Policy No GN5 of the Adopted Chorley Borough Local Plan Review.

4. No development shall take place until a scheme of landscaping has been submitted to and approved in writing by the Local Planning Authority, notwithstanding any such detail which may have previously been submitted. The scheme shall indicate 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.

Reason: In the interests of the amenity of the area and in accordance with Policy No.GN5 of the Adopted Chorley Borough Local Plan Review.

5. The development hereby permitted shall not commence until samples of all external facing materials to the proposed building(s) 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 and HS4, of the Adopted Chorley Borough Local Plan Review.