

Item 4e **12/00193/OUT**

Case Officer **Mrs Helen Lowe**

Ward **Chorley North East**

Proposal **Outline application for the erection of two detached bungalows**

Location **11 Sutton Grove Chorley PR6 8UL**

Applicant **Mr A E Sumner And Mrs J Stevens**

Consultation expiry: **11 April 2012**

Application expiry: **18 April 2012**

Proposal

1. This application seeks outline planning approval for erection of two detached bungalows. The application is for the principle of development only with all matters reserved.
2. The application site forms a large garden area belonging to no. 11 Sutton Gove. The site is located at the end of a cul de sac within the Chorley settlement. The area contains a mixture of detached bungalows and two storey dwellings with materials mainly being red brick and concrete roof tiles.
3. An easement of the Thirlmere Aqueduct runs through the site. To the east of the site is a woodland area which defines the beginning of the Green Belt and is also a designated Biological Heritage Site. To the north are the rear gardens of the adjacent neighbours and to the west and south are residential properties.
4. Members may recall that an outline application for two detached dwelling and a pair of semi detached dwellings (reference 11/00764/OUT) was refused in January. The application was refused on the grounds that it did not meet the Council's Interim Policy on Private Residential Garden Development and the proposed dwellings would have a detrimental impact on the visual amenities of the Green Belt. That application is currently the subject of an appeal.

Recommendation

5. It is recommended that this application is refused.

Main Issues

6. The main issues for consideration in respect of this planning application are:
 - Principle of the development
 - Ecology
 - Levels
 - Impact on the neighbours
 - Design
 - Open Space
 - Traffic and Transport
 - Thirlmere Aqueduct

Representations

7. Seven letters of objection have been received which raise the following issues:
- Impact on the aqueduct;
 - Would create traffic and parking problems;
 - Negative impact on the character of the area;
 - Proposal is garden grabbing;
 - There is no real demand for further housing in the area;
 - Would disrupt the tranquillity of the area;
 - Will result in a significant loss of habitat;
 - It does not meet any of the criteria listed as necessary for a development to be permitted in a private residential garden;
 - Changing the number and size of the proposed buildings should not alter the decision;
 - The proposed development extends over and beyond the established building line;
 - The proposal would have a detrimental impact on the established quality, character and distinctiveness of the biological heritage site;
 - It would be difficult to refuse development of adjoining gardens;
 - There is no market demand;
 - Increased risk of contamination of Manchester's drinking water supply;
 - The applicant fails to address the risk to the structural integrity of the Thirlmere aqueduct.

It should be noted that one objector has requested that their letter be reproduced in full for the Committee, however, the points are summarised above.

8. No letters of support have been received
9. No comments have been received from the Parish Council

Consultations

10. The Environment Agency - no objection
11. United Utilities – no objection subject to a number of conditions, regarding separate foul and surface water drainage, treatment and use of the easement width both during and after construction. Notice must be given to United Utilities of any works on the easement width and any alterations to ground levels or surface use of the easement width. Consent must be sought for temporary and permanent crossing of the easement.
12. Lancashire County Council (Highways) - no comments received
13. Chorley's Waste & Contaminated Land Officer - no objection, request condition on landfill gas ingress protection measures and informative for desk study report considering land contamination issues
14. Chorley's Planning Policy – The proposal does not conflict with criterion (f) of policy HS6. The proposal is in a private residential garden and as such is contrary to the Council's Interim Policy on Private Residential Garden. It also does not accord with the three criteria in proposed policy HS4 of the Preferred Option Paper.
15. Chorley's Building Control – Both new dwellings appear to be 3m away from the preferred easement and I would not expect this to present an unmanageable problem in relation to the foundation design. The position of the road/driveways/drainage and use of the easement area both during and after construction may present a problem as consent will probably be required from United Utilities. The position of the aqueduct would obviously need to be

plotted on site as it may not be in the centre of the site as shown. On the basis that this may not have been done at this stage I would suggest that some assurance be given as to the identified position of the easement. United Utilities will no doubt clarify this on their consultation. Based upon previous information I would expect foundation depths of around 3-3.5m being required. This is going to be at the limit of strip foundations but would be subject to an appropriate design by a structural engineer.

Applicants Case

16. The applicant has put forward the following in support of the proposals:
- There is ample room for two bungalows with good separation and decent garden sizes that would be in keeping with, or even greater than, sizes and separations that are typical for existing properties on Sutton Grove and the Great Knowley estate in general;
 - The proposed bungalows would not be conspicuous from the Green Belt. The new dwellings would be at a lower level than existing ones and would be seen against the background of the existing houses. They would also be screened by the large mature hedge that forms the boundary of the site and so would be scarcely visible. The character of the Green Belt would not be changed in any noticeable way by the proposed development;
 - Very little can be seen of the Green Belt from the current end of Sutton Grove;
 - Beyond the proposed development site to the East the ground falls away steeply, blocking any further development in that direction, and to the south any further expansion is prevented by the Thirlmere Aqueduct and its well. Granting permission for this proposal would not lead to pressure for further expansion into the green belt later, because none would be possible.
 - Finally there is Chorley council's policy on development in residential gardens. The question here is how much weight should be given to this policy at present. There have been two appeal decisions which found that only limited weight should be given to the policy.

Assessment

Principle of the development

17. The application site is considered to be a domestic garden belonging to no. 11 Sutton Grove. The site appears to be regularly maintained and there are examples of typical garden paraphernalia, such as out buildings and play equipment on the site.
18. In accordance with the National Planning Policy Framework (NPPF) the site is considered to be previously undeveloped land (greenfield).
19. As the site is located within the settlement boundary the council's Interim Planning Policy on Private residential garden Development is relevant. The 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.
20. 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 out to public consultation, but an examination in public has not yet taken place. The emerging DPD contains a policy on Private Residential Garden Development (ref. HS4).

21. The erection of the two dwellings as proposed does not fall within any of the appropriate forms of development in private residential gardens as defined in both the Interim and emerging policies. However, the applicant has put forward a number of points to be considered as particular exceptional circumstances as to why the current proposal may be acceptable.
22. With regard to the Council's policies on private residential garden development, it is acknowledged that only limited weight can be attached to both the interim policy and the emerging Site Allocations and Development Management DPD. 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.
23. 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. The impact of the proposed development on the character of the area is discussed below.
24. Policy HS6 (f) of the Local Plan Review also requires any application for residential development on garden or previously undeveloped land, irrespective of size, to include details which demonstrate to the Council that there are no suitable allocated or previously developed sites which are available in the settlement of Chorley, as defined in the Local Plan Review, that could accommodate the dwellings being propose. The agent has submitted such an assessment with the application.

Ecology

25. The site adjoins a biological heritage site to the east. The eastern most plot would be erected fairly close to this biological site, however it is envisaged that there will be no significant adverse impacts to it as a result of the development. Various trees and shrubs would need to be removed as part of the development, however this would not have any significant impacts on protected species. None of the trees are worthy of a TPO.

Levels

26. Ground levels drop significantly from west to east at the site. It is indicated in the applicant's submission that these are to be bungalows, of a similar scale to existing properties.

Impact on the neighbours

27. The closest neighbour is no. 11 which is a bungalow in the applicants ownership to the west. This contains a ground floor sunroom which would face the proposed dwellings. In terms of neighbour amenity the sunroom would overlook the front garden and the side elevation of the

closest proposed bungalow. It is not considered that this would cause any significant harm to the future occupiers of the proposed dwelling.

28. In terms of the amenity of no. 11, due to the relationship between the existing dwelling and proposed bungalows it is not considered there would be any significant loss of light and it is envisaged that the new dwelling could be designed so there is no overlooking from the side elevation.
29. The rear of the proposed dwellings would face the rear garden of no. 78 Carleton Road. There would be a minimum distance of 6m between the rear most part of one of the proposed dwellings. The garden of no. 78 is very long and the proposed dwellings would not be adjacent to the most private amenity area closest to the dwelling, associated with no. 78. There is also planting along the boundary. It is not considered that the proposed bungalows would give rise to an undue loss of amenity for the occupants of no. 78.

Impact on character of the Area

30. As this application is in outline with all matters reserved, the final design and assess requirements of the dwelling would not be assessed until reserved matters stage. It is noted that there are both bungalows and two storey houses within the surrounding streetscene. The agent's Design and Access Statement and site plan set out indicative parameters which illustrate that the proposed bungalows would have a footprint of 6.7m by 13m, with a ridge height similar to neighbouring bungalows.
31. The cul de sac has a defined limit of buildings restricted by the limits of the Thirlmere Aqueduct and this defines the existing character of the locality. The proposed development seeks to extend the built form of the area out towards the open countryside. and Green Belt.
32. One of the previous reasons for refusal was that the proposed dwellings would have a detrimental impact upon the visual amenities of the Green Belt. Since the previous application was refused Central Government Guidance has been revised, and whilst strict controls on development in the Green Belt remain, the requirement that 'the visual amenities of the Green Belt should not be injured by proposals for development within or conspicuous from the Green Belt' is not included within the NPPF. Given also that the two storey dwellings have now been omitted from the proposals, it is considered that it would be difficult to refuse permission on these grounds. The land immediately to the east of the application site slopes steeply downwards to the east and is largely covered in trees and shrubs. Views into the site from the adjacent Green Belt would be very restricted.
33. The development would, however, still increase the extent of built development in the locality into an area that is presently undeveloped. This would alter the character of the area, although it is envisaged that properties would be of a similar design and appearance to neighbouring properties (this would be secured at the reserved matters stage).
34. The applicant has contended that the proposal would not be out of keeping with the character of the area and that there is ample room for the properties to be accommodated. It is not considered that the reasoning put forward by the applicant constitutes exceptional circumstances beyond the criteria listed in the Council's policy on private residential development.

Traffic and Transport

35. The application is in outline form and the details of the access will be assessed at reserved matters. No comments have been received from LCC Highways, however they did not raise

any concerns about the previous proposal for four dwellings. It is not considered that any undue impact on highway safety would arise as a result of the proposals. There would be adequate space on the site to provide off street parking for two dwellings.

Thirlmere Aqueduct

36. The Thirlmere Aqueduct is part of a water supply system built by the Manchester Corporation Water Works between 1890 and 1925. The Aqueduct was constructed to carry large volumes of water from Thirlmere Reservoir to Manchester. The Aqueduct runs through the centre of the site, between the two dwellings. United Utilities have control of the Aqueduct, but have not raised any objections to the proposals, subject to a number of restrictions, chiefly with regard to crossing and surfacing over the Aqueduct and its easement. The Council's Building Control section concur with these comments.

Section 106 Agreement

37. The development would result in a further two dwellings at the side and as such there is a requirement for a commuted sum of £2758 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 confirmed that an existing play area on Heapey Road 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 s106 agreement to secure payment. The agent has indicated that the applicant is prepared to enter into such an agreement. If the planning were to be approved, it should be subject to the signing of this agreement

Overall Conclusion

38. This is a finally balanced decision. The proposal does not comply with the Council's interim and emerging policies on development in private residential gardens. However, members must be mindful of the weight that can be attached to these policies and recent appeal decisions. The proposal would extend the form of built development in the area towards the Green Belt and into an otherwise previously undeveloped part of this housing estate, altering the character of the area. As the proposal does not comply with the Council's policies on development in private residential gardens, the proposal is accordingly recommended for refusal.

39. The concerns of local residents with regard to the impact on Thirlmere Aqueduct are noted, but given the lack of any objection by United Utilities it is not considered that a reason for refusal could be sustained on these grounds.

Planning Policies

National Planning Policies:

NPPF

Adopted Chorley Borough Local Plan Review

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

Supplementary Planning Guidance:

- Statement of Community Involvement
- Design Guide

Sites for Chorley- Issues and Options Discussion Paper December 2010

HS4

Planning History

11/00764/OUT – Outline application for the erection of two detached houses and a pair of semi detached houses

Refused 19 January 2012

Recommendation: Refuse Outline Planning Permission

Reasons

- 1. The proposed dwellings would be on land which forms the garden curtilage associated with 11 Sutton Grove and the land is not allocated for housing in the Adopted Chorley Borough Local Plan Review. The Council has prepared an Interim Policy on Private Residential Garden Development and included Policy HS4 within the Site Allocations and Development Management DPD which seeks to resist residential development taking place on private garden land unless certain criteria are met or there are exceptional circumstances. In this case the proposed dwellings do not meet one of the three criteria listed in the Policy, nor are there considered to be exceptional circumstances that weigh in favour of approving the development and as such the proposed development is contrary to the Council's Interim Policy on Private Residential Garden Development and Policy HS4**