

Item 4c **13/00146/OUT**

Case Officer **David Stirzaker**

Ward **Chorley South West**

Proposal **Outline application (with all matters reserved) for the erection of a detached bungalow**

Location **Land 20M north of 2 Clover Road/Jackson Road Chorley**

Applicant **Mr F Smith**

Consultation expiry: **15 March 2013**

Application expiry: **18 April 2013**

Proposal

1. This application, which has been submitted in outline with all matters reserved, seeks outline planning permission for the erection of a detached bungalow on land to the rear of Pondorosa (2 Clover Road, Chorley). The indicative site layout plan shows a bungalow with a footprint of 10m by 6.4m. The Design & Access Statement specifies that the bungalow will have a ridge height of 3.5m.
2. The application site is located towards the south western end of the Chorley settlement just off Moor Road via Jackson Road. The site comprises a relatively flat rectangular piece of land which is described as being part of the garden of the applicant's property (Pondorosa, 2 Clover Road). There are several trees on the site with the most notable being a Sycamore tree in the north eastern corner.
3. In the past, the site has had the benefit of outline planning permission for a detached bungalow (Ref No. 08/00340/OUT). However, this permission lapsed in 2011. Prior to this, an outline application for a bungalow was refused (Ref No. 03/00498/OUT) on the site although the only reason was conflict with the Council's Interim Windfall Housing SPG at the time.

Recommendation

4. It is recommended that this application is granted conditional outline planning permission subject to the signing of a S106 agreement.

Main Issues

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

- Contamination and Coal Mines
- Drainage and Sewers
- S106 & Community Infrastructure Levy (CIL)

Representations

6. Two letters of objection have been received, the contents of which can be summarised as follows: -
- The scale of the bungalow may cause problems with overlooking
 - The bungalow would lead to a loss of privacy, extra light and noise pollution
 - The plot is very small and it is difficult to envisage a bungalow with two parking spaces
 - The bungalow would impact on the character and appearance of the surrounding area
 - Headlights could shine into adjacent properties when the bungalow is being accessed along Jackson Road
 - Mature trees have previously been felled on the site and a mature Sycamore tree on the plot has public amenity value and there would be concerns if this was felled
 - The description of the bungalow is confusing as reference is made to dormers and skylights to serve its second floor
 - The objections to the application made in 2008 (Ref No. 08/00340/OUT) have not changed and the area should be kept quiet
7. No letters of support have been received

Consultations

8. **United Utilities** do not raise any objections and advise that if possible this site should be drained on a separate system, with only foul drainage connected into the foul sewer. Surface water should discharge to the soakaway/watercourse/surface water sewer and may require the consent of the Local Authority. If surface water is allowed to be discharged to the public surface water sewerage system we may require the flow to be attenuated to a maximum discharge rate determined by United Utilities.
9. **Lancashire County Council (Highways)** have not raised any objections to the 'principle' of the development subject to the plans showing the access into the development and the parking and turning space associated with the bungalow.
10. **The Council's Waste & Contaminated Land Officer** has not raised any objections but recommends an informative rather than a condition requiring the applicant to carry out an initial desk study, site walkover and preliminary risk assessment. If this initial study identifies the potential for contamination to exist on site, the scope of a further study must then be agreed in writing with Local Planning Authority and thereafter undertaken and shall include details of the necessary remediation measures.

Assessment

Background Information

11. The application site has in the past had the benefit of outline planning permission which was granted in 2008 (Ref No. 08/00340/OUT). This permission lapsed in June 2011. Prior to this, outline planning permission had been refused in 2003 (Ref No. 03/00498/OUT) for a bungalow although the only reason why planning permission was refused was due to conflict with the Windfall Housing Policy, which was applicable at the time of the application, due to an oversupply of housing in Chorley.

Principle of the development

12. The application forms describe the site as a garden associated with the applicant's property (Pondorosa, 2 Clover Road). The site is located in the main Chorley settlement and sits behind this property to the north of it.
13. Given the status of the site, the application falls to be considered against emerging Policy HS3 in the Chorley Local Plan which will replace the Interim Policy on Private Residential Garden Development. Policy HS3 states that development within private residential gardens not allocated for housing will only be permitted for (a) appropriately designed and located replacement dwellings where there is no more than one for one replacement, (b) the conversion and extension of domestic buildings, and (c) infill development on gardens which is classified as the filling of a small gap in an otherwise built up street frontage which is 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.
14. The site does not specifically comply with any of criteria (a) or (b) due to the nature of what is proposed. With regards to criteria (c), the site does not meet the definition of an infill plot as it is not a gap in a built up frontage.
15. However, paragraph 5.29 of the preamble to Policy HS3 states that when assessing applications for garden sites the Council will also have regard to the relationship of development to the surrounding character in terms of density, siting, layout, massing, scale, design, materials building to plot ratio and landscaping. The preamble also states that the Council will have regard to sustainability issues such as access to public transport, school, businesses and local services and facilities.
16. Policy HS3 includes the additional sustainability criteria detailed above so in terms of this issue, there are factors which weigh in favour of the proposal. Firstly, the site is located in the main Chorley settlement just off Moor Road, an A road which serves as one of the main routes into Chorley from the south. The site is also in close proximity to schools, shops and other services. There is a secondary school located approximately 300m north of the site on Clover Road and there are two primary schools located approximately 660m away and approximately 1000m away respectively from the site. There is also a Co-op food store on Moor Road approximately 530m away to the northeast and a little further along Moor Road on the other side is a petrol station and shop. There are also several pubs on Moor Road within walking distance of the site. Approximately 950m from the site, again on Moor Road, the main shops and services start leading all the way into the Town Centre, the start of which is approximately 1600m from the site.
17. In terms of bus stops, there are bus stops on both sides of Moor Road within close proximity to the site. The first one, from which buses heading into Chorley and Preston are provided, is approximately 205m away. From this bus stop, 13 services operate which includes 3 school services. The bus stop on the opposite side of Moor Road is approximately 180m away and 13 services operate from this bus stop which includes 3 school services as well as direct services to Wigan.
18. On the basis of the above factors, it is considered that the site is in a highly sustainable location and therefore meets with the objectives of Criteria (1) of Policy HS3, which seeks to promote sustainable forms of development. This material consideration therefore weighs in favour of planning permission being granted for the development of a bungalow on this particular site hence the 'principle' of the development is considered to be an acceptable one.

Levels

19. The site is relatively flat with only a slight fall from north east to south west. The final finished floor level of the bungalow and the site are not known at this juncture as the application has been submitted in outline with all matters reserved. However, the reserved matters application will be required to include full existing and proposed levels details if/when it is submitted for determination and a condition will secure this requirement.

Impact on the neighbours

20. The application site is bounded to the north west and the west by existing residential properties. To the south is the applicant's property. To the east of the site is a property which was converted to annexed living accommodation to the main property (302 Moor Road) which was granted planning permission to be changed to a care home following a 2005 planning permission (Ref No. 05/00435/COU). This annex accommodation does not include any windows facing the site and to the north of this is a small area of undeveloped land.
21. The 2008 planning permission for a dwelling on the site (Ref No. 08/00340/OUT) included conditions requiring all windows in the north west and south west elevations of the bungalow to be fitted with obscure glazing. However, in terms of the north west elevation, in comparison to the 2008 permission, the bungalow will be 6m from this boundary as opposed to 3m (at its nearest point) and in terms of the south west elevation, this will be 8.6m as opposed to 8m. It is still considered reasonable and necessary to require the windows in the north west facing elevation to still be fitted with obscure glazing but given the south west elevation will be 8.6m from the boundary and 18.9m from the rear elevation of 10 and 12 Clover Road, it is not considered necessary for the windows in this elevation to be fitted with obscure glazing.
22. The single storey nature of the bungalow, which will have a maximum height of 3.5m and will be located approximately 14.5m from the rear elevation of 31 to 37 Lydgate and approximately 18.9m from the rear elevation of 10 and 12 Clover Road means it will not adversely affect the level of residential amenity currently enjoyed by the occupiers of these properties through loss of light, privacy or outlook.

Design

23. The final design of the bungalow is obviously not known at this juncture. However, the footprint of the dwelling is proposed to be 10m by 6.4m with a ridge height of 3.5m, which is similar to that of the applicant's bungalow. A condition is recommended requiring the bungalow to be constructed in accordance with these parameters.
24. In terms of streetscene impact, the application site does not occupy a prominent position in the locality as it sits behind the applicant's property. At the ridge height proposed, which is similar to the applicant's property, the final bungalow will not occupy a prominent position in the streetscene and only limited views of it will be attainable from Moor Road to the south. The final design of the bungalow will therefore be fully assessed as part of the reserved matters application.

Trees and Landscape

25. There are several trees on the site, one of which is a mature Sycamore tree, located in the north eastern corner of the site. The Council's Tree Officer has inspected the tree and advised that there should not be any development within the Root Protection Zone detailed on the indicative site plan. A condition is recommended with regards to the safeguarding of the tree in line with advice from the Tree Officer.

26. Whilst the application forms do not refer to any tree works being necessary, in terms of the concerns expressed by a local resident regarding the loss of the mature Sycamore tree, instructions have been sent to the Council's Solicitors to make this tree the subject of a Tree Preservation Order (TPO) as it does make a contribution to the visual amenities of the local area. The other trees on the site are not of such stature that they make a significant contribution to the visual amenities of the locality.

Traffic and Transport

27. Access to the site is via Jackson Road which is an unadopted street. The application forms state that the bungalow will have two bedrooms so in accordance with Policy ST4 of the emerging Chorley Local Plan and the accompanying Parking Standards, two off road parking spaces are required.
28. LCC (Highways) have not raised any objections to the application 'in principle' although more details in terms of layout have been requested. An updated site plan details two car parking spaces to the side of the bungalow and turning space to the front of it and these plans address the matters raised by LCC (Highways).

Contamination and Coal Mines

29. The Council's Land & Contaminated Waste Officer recommends an informative rather than a condition requiring the applicant to carry out an initial desk study, site walkover and preliminary risk assessment. If this initial study identifies the potential for contamination to exist on site, the scope of a further study must then be agreed in writing with Local Planning Authority and thereafter undertaken and shall include details of the necessary remediation measures.

Drainage and Sewers

30. United Utilities have not raised any objections to the application and advise that if possible, the site should be drained on a separate system with only foul drainage connected into the foul sewer whilst surface water should discharge to the soakaway/watercourse/surface water sewer and may require the consent of the Local Authority. United Utilities also advise that if surface water is allowed to be discharged to the public surface water sewerage system may require the flow to be attenuated to a maximum discharge rate determined by United Utilities.

Section 106 Agreement & Community Infrastructure Levy (CIL)

31. A S106 agreement is required to secure the commuted sum to be used towards off site play space. This equates to a figure of £1379.
32. This would be chargeable under CIL, which would become liable at reserved matters stage.

Overall Conclusion

33. It is considered that the 'principle' of a bungalow on this site is acceptable due to the sustainable credentials of the site, resulting from its location in the main Chorley settlement close to one of the main routes into the Town Centre and local schools, shops and facilities. This has established the 'principle' of a dwelling on the site and compliance with Policy HS3 of the emerging Chorley Local Plan.
34. From a design perspective, there are several detached bungalows to the south east of the application site (which includes the applicants) so the reserved matters application should not present a problem with designing a bungalow which is in keeping with the type and character of these existing bungalows. The footprint and height parameters set out in the Design and Access Statement are recommended to be made the subject of a condition.

35. With regards to neighbour amenity, the bungalow is obviously a single storey structure so there will be no overlooking from first floor height windows/dormers etc. The existing site is also well contained wherein the boundaries to the north west and the south west are demarcated by concrete panel and timber panel fences respectively. However, it is considered necessary for windows in the north west facing elevation to be fitted with obscure glazing. In other respects, it is not considered that the bungalow will harm the residential amenities of the occupiers of the adjacent residential properties.
36. Adequate off road parking space is shown on the indicative site plan as has vehicular turning space at the front of the bungalow and no objections have been raised by LCC (Highways).
37. On the basis of the above, it is recommended that outline planning permission be granted for the bungalow, subject to the signing of a S106 agreement.

Other Matters

Sustainability

38. In line with Policy 27 of the Core Strategy, the dwelling will be required to be constructed to meet the relevant Code for Sustainable Homes level so the standard conditions are recommended requiring this to be the case.

Waste Collection and Storage

39. There is sufficient space within the curtilage of the property for waste storage bins to be stored and on collection days, bins can be placed on Jackson Road wherein the distances specified in Manual for Streets (MfS), (a maximum distance of 30m for residents to take bins to a collection point which would enable a refuse collection vehicle to get within 10m of the bin which is 15m less than the 15m maximum specified in MfS).

Planning Policies

National Planning Policies:

National Planning Policy Framework (NPPF)

Adopted Chorley Borough Local Plan Review

Policies: GN1 / GN5 / EP7 / EP16 / HS4 / HS6 / HS21 / TR4

Supplementary Planning Guidance (SPG):

- Design Guide

Joint Core Strategy

Policy 1 / Policy 4 / Policy 5 / Policy 6 / Policy 17 / Policy 27 Policy 29 / Supplementary Planning Document (SPD) on Design

Emerging Chorley Local Plan 2012-2026

ST4 / HS3 / BNE1 / BNE9

Planning History

08/00340/OUT - Erection of detached bungalow and garage - Permitted on 2nd June 2008

03/00498/OUT – Erection of bungalow – Refused on 18th August 2003

77/00462/FUL - Garage and games room extension – Permitted on 23rd August 1977

Recommendation: Permit subject to legal agreement

Conditions

- 1. The dwelling hereby permitted shall be constructed to meet Code Level 4 of the Code for Sustainable Homes and if commenced after 1st January 2016, it shall be constructed to meet Code Level 6 of the Code for Sustainable Homes. Within 6 months of occupation of the dwelling, a Final Certificate, certifying that the relevant Code for**

Sustainable Homes Level for the dwelling has been achieved, shall be submitted to the Local Planning Authority.

Reason: In the interests of minimising the environmental impact of the development.

2. The parking provision space for 2 no. vehicles and the associated manoeuvring facilities shown on the approved plans shall be surfaced or paved, drained and marked out and made available in accordance with the approved plan prior to the first occupation of the dwelling and such parking facilities shall thereafter be permanently retained for that purpose (notwithstanding the Town and Country Planning (General Permitted Development) Order 1995).

Reason: To ensure provision of adequate off-street parking facilities within the site.

3. Prior to the commencement of the development, full details of the alignment, height and appearance of all fences and walls to be erected to the site boundaries (notwithstanding any such detail shown on previously submitted plans) shall have been submitted to and approved in writing by the Local Planning Authority. The dwelling shall not be occupied until all walls and fences have been erected in accordance with the approved details. Fences and walls shall thereafter be retained in accordance with the approved details at all times.

Reason: To ensure a visually satisfactory form of development and to protect the amenities of occupiers of nearby property.

4. The existing soil levels around the base of the trees to be retained shall not be altered.

Reason: To safeguard the trees to be retained.

5. Notwithstanding the details shown on the submitted plans, the proposed driveway/hardsurfacing to the front of the property shall be constructed using permeable materials on a permeable base, or provision shall be made to direct run-off water from the hard surface to a permeable or porous area or surface within the boundaries of the property (rather than to the highway), unless otherwise agreed to in writing by the Local Planning Authority.

Reason: In the interests of highway safety and to prevent flooding.

6. An application for approval of the reserved matters, namely the access, 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: This condition is required to be imposed by the provisions of Article 3 (1) of the Town and Country Planning (General Development Procedure) Order 1995 and Section 92 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

7. During the construction period, all trees to be retained shall be protected by 1.2 metre high fencing as specified in paragraph 8.2.2 of British Standard BS5837:2012 at a distance from the tree trunk equivalent to the outermost limit of the branch spread, or at a distance from the tree trunk equal to half the height of the tree (whichever is further from the tree trunk), or as may be first agreed in writing with the Local Planning Authority. No construction materials, spoil, rubbish, vehicles or equipment shall be stored or tipped within the area(s) so fenced. All excavations within the area so fenced shall be carried out by hand.

Reason: To safeguard the trees to be retained.

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

Title	Plot	Drawing Reference	Received date
Location Plan	-----	PEG V1 25.01.2013	15 February 2013
Proposed Site Plan	-----	-----	26 July 2013

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

9. The application for approval of the reserved matters shall be accompanied by a Coal Mining Risk Assessment (CMRA) which has been carried out by a suitably qualified person who is familiar with ground stability and mining legacy related issues.

Reason: To ensure that the site is safe and stable prior to the commencement of development.

10. All windows in the north west facing elevation of the bungalow hereby permitted shall be glazed with obscure glass comprising Pilkington privacy level 3 glass (or a glass from an alternative manufacturer with the same level of obscurity). Obscurely glazed windows shall be retained and maintained as such at all times thereafter.

Reason: In the interest of the amenities of adjoining residents.

11. The scale of the bungalow, to be submitted as part of the reserved matters application, shall be designed in compliance with the scale parameters set out in the amended Design & Access Statement received on 7 August 2013.

Reasons: To define the permission and ensure that the bungalow fits in with the locality.

12. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (as amended) (Schedule 2, Part 1, Classes A, B, C, D, E) or any subsequent re-enactment thereof, no extension to the dwelling, porch, garden shed, greenhouse, garage or car port shall be erected nor any hardstanding area extended other than those expressly authorised by this permission.

Reason: In the interests of neighbour amenity.

13. The application for approval of reserved matters shall be accompanied by full details of existing and proposed ground levels and proposed building finished floor levels (all relative to ground levels adjoining the site), notwithstanding any such detail shown on the approved plans. The development shall only be carried out in conformity with the approved details.

Reason: To protect the appearance of the locality and in the interests of the amenities of local residents.

14. The dwelling hereby permitted will be required to meet Code Level 4 of the Code for Sustainable Homes and if commenced after 1st January 2016 will be required to meet Code Level 6 of the Code for Sustainable Homes. Within 6 months of occupation of each dwelling a Final Certificate, certifying that the relevant Code for Sustainable Homes Level for that dwelling has been achieved, shall be submitted to the Local Planning Authority.

Reason: In the interests of minimising the environmental impact of the development.

15. Prior to the commencement of the development, a 'Design Stage' assessment and related certification shall be submitted to and approved in writing by the Local Planning Authority. The assessment and certification shall demonstrate that the

dwellings will meet the relevant Code Level of the Code for Sustainable Homes. The development shall be carried out entirely in accordance with the approved assessment and certification.

Reason: In the interests of minimising the environmental impact of the development.

16. No dwelling shall be occupied until a letter of assurance, detailing how that plot has met the necessary Code Level, has been issued by a Code for Sustainable Homes Assessor and submitted to the Local Planning Authority.

Reason: In the interests of minimising the environmental impact of the development.

17. Prior to the commencement of development 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.