

Item 4c **13/00870/OUT**

Case Officer **Mr Matthew Banks**

Ward **Wheelton And Withnell**

Proposal **Outline application for the erection of a one bedroom detached bungalow (all matters reserved apart from access). Resubmission of previously withdrawn application 13/00530/OUT.**

Location **Land East Of 34 Thirlmere Drive Withnell**

Applicant **Mr Derek And Vera Stanton**

Consultation expiry: 18 October 2013

Application expiry: 18 November 2013

Proposal

1. Outline application for the erection of a one bedroom detached bungalow (all matters reserved apart from access). Resubmission of previously withdrawn application 13/00530/OUT.

Recommendation

2. It is recommended that this application is approved subject to conditions and the signing of a Section 106 Legal Agreement to secure a contribution towards Public Open Space.
3. An email has been received from **Councillor Alison Hansford** requesting the application be heard at the Development Control Planning Committee for the following reasons:
 - The nature of contentious issues arising from the application;
 - There are a significant number of residents who want to comment on the application;
 - It is only fair that this application is treated the same as others, giving an opportunity for all to voice their views.

Main Issues

4. The main issues for consideration in respect of this planning application are:
 - Background information;
 - Principle of the development;
 - Openness;
 - Design and impact on the streetscene;
 - Impact on neighbour amenity;
 - Impact on highways, access and parking;
 - Impact on ecology;
 - Impact on trees;
 - Sustainable Resources;
 - Section 106 agreement;
 - Community Infrastructure Levy (CIL);

Representations

5. **Cllr Alison Hansford** has requested this application to be heard by Members of the Development Control Planning Committee.

6. To date (17th October 2013) 1no. letter has been received raising no objection to the application and 7no. letters have been received objecting to the scheme.
7. The 7 letters of objection can be summarised as follows:
 - The proposed dwelling does not follow the line of existing properties on Thirlmere Drive;
 - The development is out of character with the properties at the top of Thirlmere Drive and there is no provision for a continuing footpath past the dwelling;
 - The proposed development would take light from No. 34 Thirlmere Drive and sense of openness especially during the winter months;
 - Requests have been made to the applicant in the past to trim and cut back the trees to provide more light to No. 34;
 - The development could result in alterations to the water drainage course to the rear of the site which could result in flooding to other properties in the surrounding area;
 - There would be a loss of tree and greenery at the site which would result in the vacation of wildlife which frequently use this area;
 - The top of the cul-de-sac is already very congested and additional vehicles would worsen this problem particularly for emergency and refuse vehicles;
 - The proposed access is opposite the existing accesses on Thirlmere Drive. If vehicles are parked outside Nos. 25 and 27, accessing the site will not be possible without causing problems;
 - Planning permission has previously been refused at this site (79/01290/OUT) and approval would be contrary to Chorley Borough Council's garden grabbing policy;
 - The development would not be in keeping with properties in the surrounding area and is inappropriate.
 - The development would have a big impact on No. 25 Thirlmere Drive.
 - Parking and the prospect of more traffic is a major concern. The cul-de-sac is already very congested.
 - The development would conflict with policies DC1, DC4, DC5 and EP9 and encroaches on the Green Belt.
 - The development will result in the loss of habitat in relation to Policy EP9.
 - The site is not 'infill' and was not deemed 'infill' in the last planning application in 2011.
 - The application is contrary to the interim policy concerning residential garden development.
 - Sufficient housing stock has already been identified in Chorley borough and the proposal will not be affordable housing.
 - The development is against conservation as there will be a loss of open space.
 - There will be significant parking problems.
 - The proposed development will overlook No. 27 Thirlmere drive resulting in a loss of privacy.
 - A modern type building such as that proposed is out of character with the 1960's estate.
 - The development will result in significant loss of light to No. 27 Thirlmere Drive.
 - Extra lighting would be required for disabled access.
 - The planned development would be lacking in modern space and amenity and would thus create an incongruous feature in the street scene.
 - Contrary to the Planning Inspector's decision the site should not be considered infill.
 - The submitted ecological survey is inconclusive.
 - There is strong local opposition to this application, many who are elderly or retired. Residents will suffer mental stress, noise, traffic, dirt and restriction to access their properties.

- The design will not blend in with the surrounding properties, aesthetically the brickwork and roofing will not match the buildings.
- The plans are not online.
- There is no demand for a one bedroom detached bungalow.
- The open aspect from the properties opposite the site will be lost
- The open piece of countryside enriches the appearance of Thirlmere Drive and would be lost as a result of the development.
- The development will not contribute to the solution of local housing problems.
- The development is not a one for one replacement, it is an additional residence.
- This application is not a conversion or extension of current domestic buildings.
- The property has different styles of scale (bungalow with integral garage when surrounding properties are semi's with separate garages) and appearance (ratio of window to brick).
- The development appears to be off the current building line and so could ruin the character and appearance of the cul-de-sac.
- The plot density appears to be high and the allocated off-road parking is insufficient.
- The development will result in noise and disturbance during construction and could exacerbate existing highway safety issues.
- There is inadequate parking in the surrounding area and issues of parking have been raised with the Parish Council
- The site has high ecological value.

Consultations

8. **Lancashire County Council (Highways)** – raise no objection to the application subject to conditions. The access and parking arrangements are considered to be acceptable.
9. **CBC Planning Policy** – Advise that a contribution of £1,888 is required in accordance with the Open Space and Playing Pitch Supplementary Planning Document (SPD) which will be secured by Section 106 Legal Agreement.
10. **CBC Streetscene (Tree Officer)** – raise no objection to the application. The development will not result in harm to the protected field maple. No trees to the southern boundary are of any great value with regard to species type or amenity value.
11. **Lancashire County Council (Ecology)** – Raise no objection to the application subject to conditions.
12. **Parish Council** – none received.
13. **United Utilities** – none received
14. **Chorley's Waste & Contaminated Land Officer** – none received

Assessment

Background information

15. This outline application is the third submitted to the Local Planning Authority for the erection of a one bedroom detached bungalow on land to the east of 34 Thirlmere Drive, Withnell.
16. The first application (11/00619/OUT) was refused by the Council for the following reason:
"The proposed development would be located within the Green Belt as defined by the Adopted Chorley Borough Local Plan Review. The proposed development is contrary to PPG2 and Policy DC4 of the Adopted Chorley Borough Local Plan Review in that it does not constitute the infilling of a single plot with buildings on either side and will instead, extend housing into the Green Belt. The proposal is therefore inappropriate development by definition and harmful to the open and rural character of the area. No very special circumstances have been provided

which outweigh the harm to the Green Belt in accordance with PPG2 or Policy DC1 of the Adopted Chorley Borough Local Plan Review”.

17. The applicant appealed the Council’s refusal to grant planning permission and the appeal was dismissed by the Planning Inspectorate on 12th June 2012 for the following reason:
“Whilst it has been concluded that the erection of a dwelling on the site would not constitute inappropriate development in the Green Belt this does not outweigh the limited harm to openness which has been identified or the concerns regarding the effect of the development on the Eucalyptus which the provisional TPO seeks to protect. For this reason, and having regard to all other matters raised, the appeal is dismissed”.
18. Taking account of the Inspector’s appeal decision, the applicant employed the services of a qualified arboriculturist who carried out an assessment of the protected Eucalyptus tree. An application (12/00999/TPO) was subsequently submitted to the Council to fell the tree which was approved upon advice from the Council’s Tree Officer.
19. A second application (13/00530/OUT) was then submitted to the Council for a one bedroom detached bungalow, which the applicant considered had taken account of the Inspector’s comments (as the appeal decision was now a material planning consideration). However, this application was withdrawn amid comments received from Lancashire County Council (LCC) Highways relating to the proposed footway alterations and vehicular parking space, and comments received from LCC Ecology amid concerns relating to ecology and biodiversity.
20. The current application is the third submission for the development of this site for a one bedroom detached bungalow. The principle issue therefore is whether this scheme has overcome the concerns raised by the Inspector and whether any changes in planning policy have arisen since the appeal decision of the 12th June 2012. It is important to note that the Inspector’s appeal decision letter is a material planning consideration in the determination of the current application.

Principle of the development

21. This application seeks outline planning permission for the erection of 1no. one bedroom bungalow on land east of 34 Thirlmere Drive, Withnell. The site is currently used as a garden space by the occupiers of No. 30 Thirlmere Drive (the applicant).
22. The site has a brief planning history, with three applications refused and a single application approved. The only approved application at the site was in 1979 (ref: 9/79/1299) and granted consent for the use of the land as a garden and to park cars. The land is currently used as a garden and so is consistent with this approval.
23. As established with previous applications, the application site is within the Green Belt and so the relevant guidance within the National Planning Policy Framework (The Framework), Policies DC1 and DC4 of the Adopted Chorley Borough Local Plan Review and Policy HS7 of the Emerging Local Plan (2012-2026) should be taken into consideration.
24. In context of the above, it is relevant to note that the Inspector’s appeal decision for the application 11/00619/OUT was determined in line with The Framework and Policies DC1 and DC4 of the Adopted Chorley Borough Local Plan Review. At the time, Policy HS7 of the emerging Local Plan was in the early stages of adoption and so could only be afforded limited weight.
25. The current policy situation is different from that in 2011 when application 11/00619/OUT was determined at appeal. Guidance within The Framework still applies and the adopted Local Plan still comprises the 2003 Plan Review. However, the Regional Strategy is now revoked, the Central Lancashire Core Strategy has now been adopted, and the emerging local plan (2012-2026) is now at examination stage and therefore carries more weight. Furthermore, account must also be taken of the minded modifications issued by the Local Plan Inspector where appropriate.

26. Whilst the construction of new buildings in the Green Belt is generally regarded as inappropriate development, paragraph 89 of The Framework recognises limited infilling as an exception.
27. Policy 1 of the Adopted Central Lancashire Core Strategy states that in 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.
28. In terms of the adopted Local Plan, saved Policy DC1 requires compliance with saved Policy DC4, which permits the development of a plot for a single dwelling where the overall housing requirement for the area would not be materially exceeded as a result of planning permission being granted. The policy also requires that the existing buildings form a clearly identifiable group; the plot lies within the group with buildings on either side and its development does not extend the group; and that the proposal would complement the character and setting of the existing buildings.
29. Although Policy DC4 is a saved policy in accordance with paragraph 215 of The Framework, the weight that can be given to a policy is dependent on the degree of consistency with The Framework. Although policy DC4 is considered to be in general conformity with The Framework, DC4 refers to 'a single plot for a single dwelling within a substantial built up frontage'. The Framework does not refer to a single plot.
30. In terms of the emerging policy situation, the emerging Local Plan was submitted in December 2012. The Examination in Public hearings for the emerging Local Plan took place in April/May 2013. It is anticipated that further hearing sessions specifically into the matter of Gypsy and Traveller matters will be held in January/February 2014. The Inspector has issued her minded modifications and therefore the plan is at an advanced stage and should attract significant weight. The Inspector is due to release an interim report on their findings into the soundness of the Plan on all matters other than those relating to Gypsy and Travellers in the near future.
31. Policy HS7 of the emerging Local Plan covers rural infilling. Given the stage of the emerging Plan and the consistency between Policy HS7 and The Framework, it is considered that significant weight can be given to this policy.
32. Policy HS7 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.
33. As such, it is relevant to assess the development in light of Policy HS7 of the emerging Local Plan, whilst having regard to the appeal decision.
34. The requirements of Policy HS7 of the emerging Local Plan are broadly the same as those required under Policy DC4 of the Adopted Local Plan. However, one of the main differences between the policies is that Policy HS7 requires infilling to be within a small village not specifically identified in Core Strategy Policy 1.

35. The application site is not within a village identified in Core Strategy Policy 1 and so HS7 is the appropriate policy for this site. However, the site is within an area which has the characteristics of a small village. This takes account of the substantial number of dwellings in the area, a nearby primary school at Withnell Fold, a local shop and other services found in nearby Higher Wheelton and good bus links on Chorley Road to the wider area.
36. In terms of compliance with criteria (a)-(c) of emerging Local Plan Policy HS7, it is relevant to note that under the application 11/00619/OUT, the Council sought to resist the proposal arguing that (1) in the past similar developments had been refused and dismissed at appeal at this site and (2) the development was more akin to ribbon development than infill.
37. However, the Inspector dismissed this argument and allowed the appeal. The Inspector acknowledged that on the southern side of Thirlmere Drive, built development only extends as far as No. 34. However, they also noted that there are existing dwellings all along the northern side which wrap around the head of the cul-de-sac and culminate in the turning head to the east of the site. The Inspector noted that the only physical gap which is not occupied by dwellings, their gardens or the estate road is the application site.
38. The Inspector noted that the separation distance between No. 34 and 37 is approximately 60m and although this is somewhat greater than the frontages of nearby dwellings, this is a consequence of the layout of the cul-de-sac.
39. The Inspector considered the site to form a relatively small gap in the overall pattern of development and on that basis, concluded that visually, development of the application site would not harm the character of the area or result in a fragmented or ribbon pattern of development.
40. The Inspector also considered there to be no evidence to suggest that the proposed dwelling could not be designed to complement the character and setting of the existing buildings.
41. On the basis of the above, the relevant guidance within The Framework and the Inspector's appeal decision, it is considered the development is in compliance with Policy HS7 of the emerging local plan and so the development is not considered inappropriate development within the Green Belt. As such, it is not necessary to consider whether very special circumstances exist in this case.
42. It is therefore not considered a refusal of the application could be sustained with regard to the principle of the development in this case.
43. In respect of housing land supply, the proposed development would result in the addition of a single one bedroom bungalow at the site which of itself, is not considered to materially affect the delivery of housing supply in the borough. The Council has a five year housing land supply (including a 5% buffer) in accordance with paragraph 47 of The Framework which was accepted by a Planning Inspector in the recent Appenzell appeal decision (ref: APP/D2320/A/13/2196354 and 12/00895/FULMAJ).
44. Policy HS3 (Private Residential Garden Development) of the emerging Local Plan is not considered to be applicable as the site is not within a defined settlement. Furthermore, it is not considered a refusal of the application could be sustained in respect of demand for the proposed development.

Openness

45. The Inspector noted at paragraph 79 of The Framework 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.
46. The Inspector stated that the proposed development would affect the openness of the Green Belt, but in the context of its setting within the built development of the cul-de-sac, only limited harm would be caused.

47. As such, in terms of the current application, on the basis of only limited harm being caused to the openness of the Green Belt, it is not considered a refusal could be sustained on these grounds. This is with particular regard to how the Inspector justified the site as an infill plot in the context of the cul-de-sac and the site's position in relation to other, more substantial built development (i.e. the larger semi-detached properties in the immediate vicinity).

Design and impact on the streetscene

48. The same indicative plans have been submitted as those provided with the previous applications 11/00619/OUT and 13/00530/OUT detailing an indicative design and appearance of the proposed bungalow. However, it is important to note that this application only seeks outline permission for access with all other matters reserved and so these details could be subject to change. Notwithstanding this, it is still appropriate to assess the indicative plans and how the development is likely to appear within the context of the streetscene.
49. In terms of design, it has been noted there are a variety of building types in the area, ranging from bungalows at the entrance to the cul-de-sac, to 1960's semi-detached properties situated towards the end of the cul-de-sac.
50. A number of residents have raised concerns in relation to how the proposed bungalow would sit within the streetscene, particularly because it would be situated primarily amongst the 1960's semi-detached properties. However, given the proximity of the site to the existing bungalows and that the plot forms the end of the built development to the south-east of Thirlmere Drive, it is not considered a refusal of the application could be sustained with regards to the design and impact on the streetscene.
51. It is also relevant to note that an adverse impact on the streetscene was not identified by the Council or Inspector with the previous application 11/00619/OUT, nor at the appeal.

Impact on neighbour amenity

52. Whilst this application does not seek permission in relation to siting or design, the applicant has submitted an indicative plan showing the position of the proposed bungalow.
53. Taking into account the bungalow would be single storey in height and the surrounding land levels are relatively flat, it is considered that in principle, the site would be capable of accommodating the development whilst ensuring no significant detrimental harm would come to the amenity of the neighbouring occupiers.
54. Concern has been raised from the occupier of No. 34 Thirlmere Drive with regard to loss of light from the proposed bungalow. However, although the position and design of the bungalow could change, it is shown as being approximately 6m from the gable end of No. 34 and would comply with the 45-degree rule in relation to this property. Furthermore, it should be acknowledged that the bungalow would be single storey in height and so will have less of an impact in terms of loss of light or overbearing appearance than a larger house.
55. As such, it is not considered the proposed development would result in significant detrimental harm to neighbour amenity to warrant refusal of the application on these grounds. Neighbour amenity did not form one of the reasons for refusal with the previous applications and the proposed development is in outline stage meaning that if permission is granted, any unacceptable neighbour amenity relationships could be designed out at reserved matters stage.
56. It is also relevant to note that at appeal, the Inspector considered the effect of the development on the living conditions of local residents stating that the siting and design of the dwelling were matters reserved for subsequent approval and it was therefore not possible to conclude with any certainty the effect the development would have on the character of the streetscene or with regards to privacy and outlook of neighbour dwellings. However, the Inspector agreed with the Council's assessment that a satisfactory scheme for the site could be developed to ensure that the living conditions of the occupiers of neighbouring properties could be maintained.

57. Notwithstanding the above, it is considered necessary for the windows facing No.34 in a westerly direction (serving the dining room and kitchen) to be obscure glazed or removed to ensure no significant detrimental harm would come to the amenity of the occupier of this property. This could be addressed at reserved matters stage through revised plans.
58. Concern has been raised by neighbouring residents in terms of loss of light, privacy and that the development would have an overbearing impact in relation to the properties positioned opposite the application site. However, the development would only be single storey in height and would be separated from these properties by their front gardens, the footpath and road. On the basis of the indicative plans, the development would be positioned approximately 15m from the front elevation of these properties and so is not considered to result in a relationship significantly different to that shared between existing properties on Thirlmere Drive. As such, it is not considered a refusal of the application could be sustained on these grounds.
59. With regard to the external amenity space associated with the dwelling, it is considered that this would be limited, but still sufficient to ensure amicable living conditions, particularly since the bungalow would form a single bed unit. Furthermore the external amenity space could be enhanced through appropriate landscaping to secure adequate privacy. This would be secured by planning condition.
60. With regard to the above, it is considered an acceptable scheme could be formulated at reserved matters stage with regard to neighbour amenity, whereby the development would not result in significant detrimental harm in terms of overlooking, loss of light or an overbearing impact to neighbouring residential properties.
61. It is acknowledged the development is likely to result in some noise and disturbance to local residents during construction. However, the development would be modest in scale (i.e. should not take long to complete being a one bedroom bungalow) and any disturbance would not be prolonged. It is not considered a refusal of the application could be sustained on these grounds and equally, it is not considered necessary to impose restrictive construction conditions given the scale of the development.

Impact on highways, access and parking

62. The Framework states that development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe.
63. Concern has been raised by numerous residents in respect of the proposed access and parking arrangements at the site and how this would relate to the existing access and parking arrangements in the cul-de-sac. As such, Lancashire County Council (LCC) Highways have been consulted regarding the application.
64. LCC Highways have considered the information submitted with this application, together with comments made in earlier applications at this site. It is important to note that LCC Highways raised no overriding objection to the proposed access arrangements with the previous applications. However, LCC Highways did have concerns in respect of some minor details. These have now been addressed as part of the current scheme and can be summarised as follows.
65. The proposal now includes the provision of a footway linking the outside of No. 34 Thirlmere Drive, across the site frontage up to the end of the turning head. These footway works will be carried out through Section 278 agreement and are considered acceptable.
66. The proposed development would include the provision of 3no. off-road parking spaces which would be in excess of a single parking space required for this scale of development. The space within the proposed integral garage is sufficient to serve the development without the need for additional spaces. However, the two spaces shown to the front can serve as a turning area for vehicles leaving the garage to enable them to exit the site in forward gear.

67. It is not considered the development would result in additional pressures with regard to on-road parking in the area and furthermore, there is no evidence to demonstrate that the proposal would inhibit emergency or larger refuse vehicles accessing the cul-de-sac.
68. It is acknowledged there is likely to be an impact on the highway in the locality during construction of the development. However, the development would be modest in scale (i.e. should not take long to complete being a one bedroom bungalow) and any disturbance would not be prolonged. It is not considered a refusal of the application could be sustained on these grounds and equally, it is not considered necessary to impose restrictive construction conditions given the scale of the development.
69. As such, it is not considered the development would result in significant detrimental harm to highway safety and it should also be recognised that LCC Highways raise no objection to the application, subject to a number of planning conditions and advice notes.

Impact on ecology

70. Concern has been raised by neighbouring residents regarding the impact of the proposed development on biodiversity in and surrounding the site. This is with reference to the trees, shrubbery and hedge on site and the ditch running along the southern site boundary.
71. The application is accompanied by an ecological assessment from the Tyrer Partnership which looks at biodiversity issues on site. In addition, comments have been sought from LCC Ecology, which can be summarised as follows:
72. LCC Ecology note that the comments provided with previous applications 11/00619/OUT and 13/00530/OUT indicate that the site appears to have relatively low biodiversity value. However, the natural drainage ditch to the southern boundary could be of value for wildlife and should be protected from construction impacts and development encroachment. Moreover, if the development would result in impacts within 5m of this ditch, then further information should be submitted to clarify biodiversity value and potential impacts.
73. In terms of the current application, the submitted ecology survey found the site to be suitable to support protected and conservation priority species, including nesting birds, hedgehogs and amphibians. The report suggests mitigation measures for the avoidance of impacts during construction, and in order that the site maintains its current biodiversity value.
74. As such, LCC ecology raise no objection to the development in ecological terms provided appropriately worded conditions are imposed with any consent. This specifically relates to a condition to avoid tree felling, vegetation clearance works, demolition work or other works that may affect nesting birds.
75. As such, provided appropriately worded conditions are imposed with any consent, the development will be in accordance with The Framework, Policy EP4 of the Adopted Chorley Borough Local Plan Review and Policy BNE10 of the emerging Local Plan (2012-2026).

Impact on trees

76. During consideration of the original application, it was noted that the site included a number of trees as well as an established hedge to the south, separating the site from the adjacent fields.
77. As a result, the Council placed Tree Preservation Orders on two of the trees (a Eucalyptus and Field Maple), both of which were protected as they made a valuable contribution to the visual amenities of the area, being prominently situated and clearly visible to the public.
78. At determination of the appeal under the application 11/00619/OUT, the TPO (TPO 8 Withnell) had not been confirmed, however, notwithstanding this the Inspector made their own assessment in relation to the trees. The Inspector noted that although the TPO was provisional, it was still a material planning consideration in determination of the appeal and so carried significant weight.

79. Since consideration of the appeal, the TPO was confirmed and so the trees are afforded full protection. However, as outlined earlier in this report, the applicant has submitted and had approved an application to fell the Eucalyptus tree (12/00999/TPO). This application was supported by a detailed Tree Condition and Recommendation Survey carried out by an appropriately qualified Arborist. As such, the Eucalyptus tree has now been felled, leaving the only protected tree on site the Field Maple.
80. Aside from the above, comments have been sought from the Council's Tree Officer with regard to the potential impact of the bungalow on trees at the site. The Council's Tree Officer considers that the proposed development will not affect the protected field maple, however, they still advise a root protection area to be put in place during construction.
81. The trees and planting to the southern site boundary are not considered to be of any great value in terms of the species mix or their amenity value. It has been noted that concern has been raised in respect of the natural boundary to the rear of the site and that the development could result in the loss of this feature. However, it is important to note these species are not considered to be worthy of protection by TPO and where specimens have to be removed, appropriate replacement planting could be secured by planning condition.
82. As such, on balance of the above, it is not considered a refusal of the application could be sustained with regard to the impact on protected trees at the site.

Sustainable resources

83. Policy 27 of the Adopted Central Lancashire Core Strategy currently requires new dwellinghouses to be built to meet the Code for Sustainable Homes Level 4, with this increasing to Level 6 on 1st January 2016. As such, appropriately worded planning conditions will be imposed at outline stage to ensure the development meets this requirement.

Section 106 Agreement

84. There is a requirement for a financial contribution towards equipped play space for all new housing planning permissions irrespective of size except for schemes including sheltered housing or elderly unit developments.
85. The Open Space and Playing Pitch Supplementary Planning Document (SPD) was adopted for development control purposes on 17th September 2013. Consequently, new open space provision or a financial contribution for new provision or improvements is required where there is an identified deficiency in quantity, accessibility or quality/value. The necessary contribution is based upon the standards within emerging Local Plan Policies HS4A and HS4B and the approach in the SPD.
86. A Section 106 legal agreement is therefore necessary in this case, to secure the requisite contribution. The contribution and associated justification is outlined in more detail in the comments received from the Council's Planning Policy Section. However, these can be summarised as follows: Amenity greenspace (£140); Equipped play area (£134); Parks/Gardens (£0); Natural/semi-natural (£0); Allotments (£15) and; Playing Pitches (£1,599) resulting in a total of £1,888.
87. The applicant has signed the associated Section 106 Agreement which would secure the above contribution should planning permission be granted.

Community Infrastructure Levy (CIL)

88. The applicant has completed and submitted a CIL liability notice which indicates the development will be CIL liable. However, the levy will be calculated when the reserved matters application is determined. As this application is in outline form with all matters reserved, the final floor area of the dwelling is not definitively fixed at this time.

Overall Conclusion

89. On the basis of the above, the Inspector's appeal decision for the previously refused application 11/00619/OUT and the amendments made to the scheme, the proposal is considered to be

acceptable and so is recommended for approval subject to conditions and the signing of a Section 106 Legal Agreement.

Planning Policies

National Planning Policy Framework

Adopted Central Lancashire Core Strategy

Policy 17 and 27

Rural Development Supplementary Planning Document

Adopted Chorley Borough Local Plan Review

Policies DC1, GN5, HS4, TR4, EP4, and EP9

Emerging Local Plan 2012-2026

Policies: BNE1, BNE10, HS4A, HS4B and ST4

The Open Space and Playing Pitch Supplementary Planning Document

Planning History

The site history of the property is as follows:

Ref: 79/01290/OUT **Decision:** REFOPP **Decision Date:** 17/03/1980
Description: Outline application for bungalow

Ref: 79/01299/FUL **Decision:** PERFPP **Decision Date:** 17/03/1980
Description: Use of derelict land as garden and car park area

Ref: 11/00619/OUT **Decision:** REFOPP **Decision Date:** 30/08/2011
Appeal Date: 12/06/2012
Description: Outline application for the erection of one detached bungalow (all matters reserved apart from access).

Ref: 12/00999/TPO **Decision:** PERTRE **Decision Date:** 10/01/2013
Description: Works to trees covered by TPO 8 (Withnell) 2011

Ref: 13/00086/DIS **Decision:** PEDISZ **Decision Date:** 07/02/2013
Description: Discharge of Condition 2 of 12/00999/TPO detail of replacement tree planting.

Ref: 13/00530/OUT **Decision:** WDN **Decision Date:** 18/07/2013
Description: Outline application for the erection of a one bedroom detached bungalow (all matters reserved apart from access).

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. No part of the development shall be occupied or brought into use until the proposed footway as shown on the approved plans has been constructed in accordance with the approved details and is available for use. *Reason: In the interests of highway safety.*

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. 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.*

5. 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: 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.*

6. During the construction period, the Field Maple (protected by Tree Preservation Order) as shown on the approved plan 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.*

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

Title	Drawing Reference	Revision	Indexed
Existing site plan	D101	-	17/09/2013
Proposed site plan	D102	B	19/09/2013
External elevations	D103	A	19/09/2013
External elevations	D104	A	19/09/2013
Location plan	-	-	19/09/2013

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

8. All windows in the 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.*

9. 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.*

10. 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.*

11. 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*

12. 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*

13. 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.*

14. Tree felling, vegetation clearance works, demolition work or other works that may affect nesting birds will be avoided between March and August inclusive, unless the absence of nesting birds has been confirmed by further surveys or inspections. If nesting birds are present, works within at least 5m of the nest must be delayed until such time as nesting is complete (the young have fledged and left the nest and the nest has been abandoned, dependent young are no longer in the area). *Reason: the site supports potential nesting bird habitat. Nesting birds, their nests and eggs are protected under the Wildlife and Countryside Act 1981 (as amended).*

15. 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 paviers, 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.*

16. The level of the driveway of the proposed development shall be constructed 0.150m above the crown level of the carriageway of Thirlmere Drive. *Reason: To safeguard the future reconstruction of the highway.*

17. The parking provision space for 1 no. vehicle 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*