Item 3b 14/00883/FUL

Case Officer lain Crossland

Ward Adlington And Anderton Ward

Proposal Erection of detached dwelling and associated detached garage

Location Adlington Police Station, 26 Church Street, Adlington, Chorley,

PR7 4EX

Applicant Mr Danny Bold

Consultation expiry: 12 September 2014

Decision due by: 14 October 2014

Recommendation

It is recommended that this application is approved subject to conditions.

Executive Summary

The main issues to consider are whether the proposal would result in an acceptable impact on neighbour amenity, the character and appearance of the surrounding area and the highway impact.

Representations

Adlington Parish Council

- The parish was not notified of the plan that was added to file on 12 September 2014
- The application with the amendment which has now been submitted could have an adverse effect on residents and business owners in the vicinity. The unadopted road included in the plans has been a right of way for many years and unless conditions as to its use are included their access to homes, garages and businesses could be adversely affected
- There are existing problems with the mains drainage in this location, which current residents are aware of. Additional input to the system may cause major problems for many properties in the area
- Parking is already a problem in this location with two businesses and several houses using the space available. Changes to the use of the access road and the additional traffic is likely to make these problems worse
- Residents attending last night's Town Council meeting maintain that they were not properly notified of the proposal
- The development would contravene the principles of the Interim Policy on Private Residential Garden Development adopted by Chorley Council in 2010

Cllr Kim Snape objection and request to be determined at Development Control Committee

The access is poor, it is a dirt lane with no proper surface drainage and residents tell me it is prone to flooding at the far end. The potential additional run off and loss of soak away area due to extra building and hard standing are of concern, as would be possible erosion caused by increased traffic during and after construction. large construction vehicles particularly, the lane leads onto the busy A6, where visibility is poor as cars park tightly up to the entrance which would be a serious issue for the junction there.

The lane provides the only pedestrian and vehicular rear access to several properties, which has emergency and general convenience implications. It affords their only off road parking in an already overstretched area; as a result it is already cramped in terms of vehicles turning round etc.

I am worried about the condition and capacity of the communal foul drain running under the lane. Residents had problems with a partial blockage and running sewage some time ago. I was told this could be due to an inadequate fall on the drain (possibly dating from bomb damage in WW2) and that we should all be particularly careful about what was allowed down it. Since then usage has substantially increased as number 18 Church St has changed from business to flats. Naturally, the conversion of the Police Station to home will increase the volume again; should yet another house be added it could prove the last straw for the inadequate system.

Cllr Dunn request to be determined at Development Control Committee

In total 16 representations have been received from 7 addresses, which are summarised below

Objection

Total No. received:

Highway safety / capacity – lack of parking

- Neighbour amenity
- Drainage
- Noise and disruption during construction
- Impact on access to rear of properties on Church St and businesses
- The unadopted road is full of residents cars
- Garden development
- The applicant did not personally contact those affected
- Use of site notice to notify
- The planning application process was started considerably before the property was even sold
- No mention in the planning application of returning the Police Station to a residential property
- The plans submitted are at odds with those held by the land registry as to who owns what land of the proposed property; including the confusion of potentially the owner now owning a piece of existing footpath?
- Seems a high number of parking spaces for a house, maybe apartments at a latter date
- Any changes made as to where existing owners & workers currently park will create a new problem
- The unadopted road is poorly maintained
- Impact on street scene

Consultees

Consultee	Summary of Comments received
United Utilities	 United Utilities will have no objection to the proposed development provided that the following conditions are attached to any approval: A public sewer crosses this site and we will not permit building over it. We will require an access strip width of 6 metres, 3 metres either side of the centre line of the sewer which is in accordance with the minimum distances specified in the current issue of "Sewers for Adoption", for maintenance or replacement. Therefore a modification of the site layout, or a diversion of the affected public sewer at the applicant's expense, may be necessary. To establish if a sewer diversion is feasible, the applicant must discuss this at an early stage with Graham Perry, Developer Engineer at wastewaterdeveloperservices@uuplc.co.uk as a lengthy lead in period may be required if a sewer diversion proves to be acceptable. Deep rooted shrubs and trees should not be planted in the vicinity of the public sewer and overflow systems.
LCC Highways	No objection provided that conditions are attached to ensure that the driveways are delivered.

Assessment

The Site

 The application site comprises the curtilage of a disused police station in the core settlement area of Adlington. The site is located to the south side of the police station building with an un-adopted road to the south side of the site. The site is located on a main road (A6) in an area characterised by terraced properties and a mixture of uses, close to the local centre of Adlington.

The Proposal

- 2. The proposed development is for the erection of a four bedroom detached dwellinghouse and associated residential curtilage with a detached garage to the rear. The proposed dwelling would have a width of around 6.25m and maximum length of around 10.3m. There would be a ridge and eaves height of around 8.1m and 5m respectively. A detached outbuilding would be demolished to make way for the proposed dwelling.
- 3. The proposed dwelling would face Church Street (A6) and would include a garden and two car parking spaces to the front. It would have a garden to the rear and detached garage accessed via an unadopted road.
- 4. The proposed garage would measure approximately 4m by 6m and would have a dual pitched roof with a ridge and eaves height of around 3.75m and 2.5m respectively.

Assessment

The main issues are as follows:-

Issue 1 – Impact on character and appearance of the locality

Issue 2 - Impact on neighbour amenity

Issue 3 - Impact on highways/access

Issue 4 - Drainage

Issue 5 – Garden development

Issue 6 - S106

Issue 7 - CIL

Issue 8 – Other matters

Principle of the Development

- 5. The National Planning Policy Framework (The Framework) states that housing applications should be considered in the context of the presumption in favour of sustainable development. This means that development proposals that accord with the development plan should be approved without delay.
- 6. The Inspector has issued her Partial Report on her findings into the soundness of the Chorley Local Plan, which is a material consideration in the consideration of any planning application.
- 7. In summary, the plan is considered to be legally compliant. In relation to soundness, the plan is considered sound, with the exception of matters relating to Gypsies & Travellers.
- 8. Paragraph 18 of the Partial Report states: "For the avoidance of doubt, the Plan may not be adopted until it has been changed in accordance with all of the main modifications set out in the Appendix to this partial report and any which may be specified in the Appendix of my forthcoming supplementary report. However, because of the very advanced stage in the examination process that the main modifications set out in the attached Appendix have reached, significant weight should be attached to all policies and proposals of the Plan that are amended accordingly, where necessary, except for matters relating to Gypsies and Travellers." The Council accepted the Inspectors modifications for Development Management purposes at its Executive Committee on 21st November 2013.

- 9. It is therefore considered that significant weight can be given to the policies and proposals of the emerging Local Plan, as amended by the main modifications.
- 10. The application site is located in the core settlement area of Adlington. The emerging Chorley Local Plan 2012 - 2026 states that within the settlement areas excluded from the Green Belt, and identified on the Policies Map, there is a presumption in favour of appropriate sustainable development.
- 11. The application site is within the curtilage of a disused police station, which falls within the Sui Generis use class. There are no policy designations covering the site and therefore the principle of residential development on the site is acceptable, subject to other material planning considerations.

Design and impact on the character of the area

- 12. The proposal is for the erection of a four bedroom two storey dwelling with accommodation in the roof space. The proposed dwelling would be a fairly standard design closely resembling the scale and appearance of the neighbouring police station building and residential dwelling at 30 Church Street. As such it would not be out of keeping with existing neighbouring buildings.
- 13. The proposed dwelling would front Church Street and would be set back a significant distance of around 17m from the highway. Although this siting is set back from the building line provided by the more traditional properties fronting Church Street it is consistent with the police station building and neighbour at 30 Church Street. It would not intrude on the street scene and would be of a height to match the police station and neighbour at 30 Church Street. As such the proposed dwelling would not be overly prominent and would result in a harmonious relationship with the neighbouring properties and street scene.
- 14. The application site has been vacated resulting in an appearance of abandonment, which detracts from the street scene. It is acknowledged that an active use needs to be established on the site to address this. There is currently a flat roofed outbuilding of poor appearance that would be demolished to make way for the proposed dwelling. As a result the proposal would result in an overall improvement in the appearance and character of the area. Natural surveillance would be increased through an active street frontage and overall the appearance and character of the area would be improved.
- 15. The detached garage would be set back around 32m from Church Street, and would be accessed via an un-adopted road within the ownership of the applicant. It would be of a typically domestic appearance commensurate with the plot size and scale of the proposed dwelling. The garage would not detract from the appearance or character of the area.
- 16. The development is therefore considered to be in accordance with Policy BNE1 of the emerging Chorley Local Plan 2012 2026 and has overcome the concerns regarding the impact on the street scene.

Impact on the neighbours

17. The proposed property would be located around 0.85m from the police station building to the north. The proposed dwelling would have an outrigger. This part of the proposal would be visible from the rear of the police station, however, it would not interfere with a line drawn at line drawn at 45 degrees from the near edge of the ground floor rear facing windows of the police station in relation to the first floor element. The ground floor element would project beyond the 45 degree line drawn from the near edge of the ground floor rear facing windows of the police station but would not extend 3m beyond it. As such the proposed dwelling is not considered to have a detrimental impact in relation to light or outlook at this property. No direct views of the police station or rear curtilage would be possible from the proposed dwelling and therefore no unacceptable impact on privacy would arise.

- 18. The proposed dwelling would be located around 10.4m from the nearest building at 20 Church Street to the south side, which is a commercial property on the opposite side of the un-adopted road. It is noted that there are no windows in the side elevation of this property, and therefore the impact on light and outlook is considered acceptable. There are no windows proposed in the side elevation that would impact on privacy at 20 Church Street.
- 19. The proposed dwelling would be visible from windows to habitable rooms in the side elevation of the rear part of 18 Church Street, which incorporates three flats. The proposed dwelling would be located to the north of these windows and would not therefore result in any loss of light. There are no windows proposed in the side elevation of the dwelling and therefore no loss of privacy would occur.
- 20. The proposed dwelling would be located around 10m from the windows in the side elevation of 18 Church Street. Although this is within the 12m guideline distance that should be maintained between habitable room windows and two storey gable walls it is noted that no loss of light would occur due to the positioning of the proposed property to the north and the fact that the windows to 18 Church Street would not directly face the side elevation of the proposed dwelling, providing views across the front garden of the proposed dwelling.
- 21. The nearest dwelling at 13 Church Street on the opposite side of Church Street is located around 32m away. Due to this significant degree of separation it is not considered that the proposed dwelling would impact on the amenity of this property or any others on Church Street.
- 22. There are no dwellings to the rear of the site.
- 23. The detached garage that is proposed is of such a small scale and has such a degree of separation that there would be no unacceptable impact on light or outlook in relation to surrounding properties.

Impact on highways/access

- 24. The proposed development would result in a four bedroom dwelling with off street parking for four vehicles provided by driveway parking to the front and a detached garage with driveway parking to the rear. This meets with the adopted parking standards set out in relation to policy ST4 of the emerging Chorley Local Plan 2012 2026.
- 25. Vehicular access to the car parking at the front would be from Church Street via an existing vehicular lay by. As this vehicular access already exists it is not considered that the addition of two off street parking spaces would result in any unacceptable harm to highway safety.
- 26. The proposed garage would be accessed via an un-adopted road to the south of the site. This already provides vehicular access to vehicles accessing units to the rear of Church Street. The use of the road by up to two additional vehicles in order to access the proposed garage is not considered to present an unacceptable harm and would not result in an excessive burden upon road capacity in the area. It is noted that the un-adopted road is within the ownership of the applicant and therefore access to the garage is secured.
- 27. It is noted that a number of concerns have been raised regarding the level of parking provision for the proposed dwelling. The scheme would have an over provision of off street parking by one space, which would ensure that there is no additional impact upon the on street parking levels as a result of the proposal.
- 28. In considering the wider access arrangements and sustainability of the location it is noted that there is a nearby bus route providing direct access to Chorley and a railway station

- less than 200m away, which provides direct access to Manchester, Preston and points in between. This provides the benefit of realistic sustainable transport alternatives.
- 29. It is noted that no objection is raised by Lancashire County Council Highways. It is therefore considered that there would be no harm to Highway Safety as a result of the proposed development.

Drainage

- 30. The proposed dwelling would occupy an area that currently comprises a detached outbuilding and area of concrete hard standing, which forms a large impermeable area. As a result the impact on surface water run off would be no greater than the existing situation, with the potential for some improvement. Although the detached garage and associated driveway would be added to a grassed area it is considered that appropriate drainage measures can be put in place through Sustainable Drainage Systems (SUDS). and it is a recommended that a condition be attached stating that all driveways should be of permeable materials.
- 31. Surface water would be dealt with on-site and would be directed to one or a number of SUDS. Given the large site area available this would be an acceptable solution. Foul sewage would be disposed of via the main sewer through connecting to the existing drainage system. It is recommended that conditions are attached to any planning consents requiring further details of the on-site drainage arrangements.
- 32. It is noted that the site is not located in a flood zone and that United Utilities have no objections to the proposed development provided that the development does not cross a public sewer and that deep rooted shrubs and trees are not planted in the vicinity of the sewer. It is recommended that conditions are attached to secure this.

Garden Development

- 33. Adlington Town Council raises the issue of garden development in relation to the Interim Policy on Private Residential Garden Development adopted by Chorley Council in 2010. It is noted that this policy has been superceded by Policy HS3 of the emerging Chorley Local Plan 2012 2026, which 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.
- 34. In this instance Policy HS3 is not relevant as the land concerned forms the curtilage of a Police Station and not a private residential garden. It is, however, considered that the site forms a clear gap in a built up street frontage and that the proposed dwelling would be of a scale and design that is consistent with the character of the street frontage.

Section 106 Agreement

35. In line with Council guidelines the applicant will need to enter into a Section 106 legal agreement requiring a payment of £2,445 towards equipped play areas, casual/informal play space and playing fields. The legal agreement will be drawn up and passed to the applicant in due course. Any planning permission would be subject to this S106.

CIL

36. In line with the adopted CIL charges and associated regulations the development would result in a payment of around £5,915 towards infrastructure in the local area.

Other matters

37. Disruption during construction: This is not a material planning consideration and may be dealt with by other legislation.

- 38. Town Council renotifications: Further information was received from the applicant by way of a plan showing a blue edge i.e. other land in the ownership of the applicant, and this was put on file on 12th September 2014 for the public to view. This was in relation to the ownership of the unadopted road to the side of the application property and did not specify any changes to the proposed scheme. At the time a further revision to the scheme was requested. This was received on the 18th September 2014 and at that point all neighbours, contributors and the Town Council were re-notified on 19th September 2014. A further revised site plan was added to the file on 3rd November 2014, and all neighbours, contributors and the Town Council were re-notified on 3rd November 2014.
- 39. Lack of neighbour notification/ Use of site notice to notify: neighbour notification letters were sent to the surrounding properties on 19th August 2014. These were accompanied by a Site Notice, which was posted on the lamp post adjacent to 20 Market Street on 22nd August 2014. The use of a site notice to publicise a planning application is a statutory requirement laid down by law in the Development Management Procedure (England) Order 2010 (SI 2184).
- 40. Impact on access to rear of properties on Church St and adjacent businesses. No development is proposed on the existing access route provided by the unadopted road. The impact on any legal rights of access is not a material planning consideration and is a private matter.
- 41. The unadopted road is full of residents cars: The use of the unadopted road for residential parking is not a material planning consideration and is a matter for the owner of the land to consider alongside any legal rights of access.
- 42. The applicant did not personally contact those affected: Although it is good practice for an applicant to discuss a proposal with local /neighbouring occupiers at an early stage this is not a statutory planning requirement.
- 43. The planning application process was started considerably before the property was even sold: The land was transferred to the present owner on 25th July 2014 and the planning application was received on 11th August 2014.
- 44. No mention in the planning application for returning the Police Station to a residential property: The Police Station building itself does not form part of this proposal.
- 45. The plans submitted are at odds with those held by the land registry as to who owns what land at the proposed property; including the confusion of potentially the owner now owning a piece of existing footpath? The location plan added to the file on 16th October 2014 is consistent with the records held by the Land Registry.
- 46. Seems a high number of parking spaces for a house, maybe apartments at a latter date: The current proposal is for a four bedroom house. The Council's adopted standards require three off street car parking spaces for a property of this size. The proposed site plan shows four spaces, which is considered adequate, and as is an over provision. This responds to concerns raised by neighbours over the lack of parking in the area and impact on off street parking, which considered above. It is noted that there are no maximum parking standards.
- 47. Any changes made as to where existing owners & workers currently park will create a new problem: No changes to the unadopted access road are proposed. This is a private matter for the land owner to consider along with any legal matters.
- 48. The unadopted road is poorly maintained: The road is unadopted, however, it is considered adequate to support vehicular access. The maintenance of the road is a matter for the land owner to consider along with any legal matters.

Overall Conclusion

49. The proposed development would have no unacceptable detrimental impact on the amenity of neighbouring occupiers and would result in an overall improvement in the appearance of the site and character of the area. In addition adequate parking is provided and there would be no adverse impact on drainage. On the basis of the above, it is recommended that planning permission be granted.

Planning Policies

50. In accordance with s.38 (6) Planning and Compulsory Purchase Act (2004), the application is to be determined in accordance with the development plan (the Central Lancashire Core Strategy, the Adopted Chorley Borough Local Plan Review 2003 and adopted Supplementary Planning Guidance), unless material considerations indicate otherwise. Consideration of the proposals has had regard to guidance contained with the National Planning Policy Framework (the Framework), the development plan and the emerging Local Plan 2012-2026. The specific policies/ guidance considerations are contained within the body of the report.

Planning History

Ref: 02/00562/FUL Decision: PERFPP Decision Date: 19 July 2002

Description: Installation of microwave dish on chimney,

Ref: 90/00376/FUL Decision: PERMIT Decision Date: 12 June 1990 Description: Change of use of dwellinghouse to police station and external alterations

Suggested Conditions

No.	Condition
1.	The proposed development must be begun not later than three years from the date
1.	of this permission. Reason: Required to be imposed by Section 51 of the Planning and Compulsory Purchase Act 2004.
2.	The dwelling hereby permitted shall not be occupied until the garage and all the car parking spaces identified on drawing number 1159-03 Rev. B have been provided. Reason: To ensure adequate off street parking provision is made/maintained and thereby avoiding hazards caused by on-street parking
3.	The proposed garage and off-road parking spaces as shown on drawing number 1159-03 Rev. B shall be kept freely available for the parking of cars, notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995. Reason: To ensure adequate off street parking provision is made/maintained and thereby avoiding hazards caused by on-street parking
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
5.	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.
6.	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
7.	The ridge and eaves height of the dwelling hereby permitted shall not exceed the ridge and eaves height of the neighbouring property at 26 Church Street. Reason: In the interest of the appearance of the locality
8.	Deep rooted shrubs and trees should not be planted in the vicinity of the public sewer and overflow systems. Reason: To ensure proper access is retained for the maintenance of the sewer and prevent damage
9.	Prior to the commencement of any development, plans and particulars showing a scheme of foul sewers and surface water drains, shall be submitted to, and approved in writing by, the Local Planning Authority. Such works shall be carried out in accordance with the approved details concurrently with the rest of the development and in any event shall be finished before the building is occupied.

	Reason: To ensure a satisfactory means of drainage.
10.	Before the development hereby permitted is first commenced, full details of the alignment, height and appearance of all fences and walls and gates to be erected (notwithstanding any such detail shown on previously submitted plan(s)) shall have been submitted to and approved in writing by the Local Planning Authority. No dwelling shall be occupied until all fences and walls shown in the approved details to bound its plot have been erected in conformity with the approved details. Other fences and walls shown in the approved details shall have been erected in conformity with the approved details prior to substantial completion of the development. Reason: To ensure a visually satisfactory form of development and to provide reasonable standards of privacy to residents.
11.	All dwellings commenced after 1st January 2013 will be required to meet Code Level 4 of the Code for Sustainable Homes and all dwellings 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
12.	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
13.	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
14.	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 earlier, 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. Reason: In the interest of the appearance of the locality
15.	The development shall be carried out in accordance with the following plans: Plan Ref. Received On: Title: 1159-02 11 August 2014 Location Plan 1159-03 Rev. B 03 November 2014 Proposed Site Plan 1159-01 11 August 2014 Proposed Plans and Elevations 1159-04 11 August 2014 Existing Drainage 1159-02 Rev. B 16 October 2014 Location Plan with blue edge Reason: For the avoidance of doubt and in the interests of proper planning