

Item 3f	14/00309/FUL
Case Officer	Iain Crossland
Ward	Clayton Le Woods
Proposal	Resubmission of planning application 11/00120/FUL for erection of a two storey detached dwelling
Location	Land Adjacent To The Bungalow Chorley Old Road Clayton-Le-Woods Chorley PR6 7QZ
Applicant	Ms Zoe Kitson
Consultation expiry:	01 May 2014
Decision due by:	23 May 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.

UPDATE: It was previously considered that this application could be dealt with under delegated powers following Chairs Brief on 13 May 2014 with any grant of planning permission being subject to an associated legal agreement to secure a commuted sum payment for the provision of off-site public open space. However, the formal decision notice has not yet been issued and since the changes introduced by the National Planning Practice Guidance (NPPG) in November last year, the Council's revised position is that all applications affected by the change to NPPG are taken to Chair's Brief for further consideration.

The NPPG was updated by Government on 28 November 2014 in respect of contributions for affordable housing and tariff style planning obligations. These measures were introduced to support small scale developers by reducing what are in the Government's view disproportionate burdens on developer contributions. The updated guidance confirms that such contributions should not be sought from small scale and self-build development. In particular, the guidance states that contributions should not be sought from developments of 10 units or less, and which have a maximum combined gross floorspace of no more than 1000m².

This development is for 1 dwelling, which is below the 10 unit threshold and also has a gross floorspace of less than 1000m². In the case of this development there is no evidence at this time, which is directly related to the development, to seek a contribution towards public open space contrary to the national guidance.

The officer's original report is set out below and Members will note that the recommendation previously was to approve the application subject to a legal agreement. However since the NPPG changes this has now been revised to APPROVE. In all other respects the assessment of the proposal is unchanged and there are no other amendments to the report.

This application was taken to Chair's Brief on 20th January 2015 where it was considered that as there are identified open space/ play space deficits in this part of the Borough, and since the applicant has not agreed to enter in a legal agreement to secure a commuted sum towards provision, the Development Control Committee should determine whether a contribution towards public open space is necessary. The identified deficits in respect of this part of the Borough are as follows:

Provision for children/young people: There is currently a deficit of provision in the Clayton Brook/Green ward in relation to this standard and the legal agreement would secure a contribution towards new provision= £134 per dwelling

Allotments: A new allotment is proposed at Land at Sylvesters Farm, Euxton (HW5.2), which is within the accessibility catchment (10 mins drive time) of the site and the legal agreement would secure a contribution towards the provision of this allotment allocation= £15 per dwelling.

Playing Pitches: There is a Borough wide deficit of playing pitches= £1,599 per dwelling.

Members need not rehearse the arguments aired when it was first agreed by the Council that the matter could be approved. Any discussion should instead concentrate on the issues regarding imposition or not of tariff style obligations in s.106 agreements raised by the Ministerial Statement dated 28 November 2014. However if there have been material changes in relation to the application site since it was agreed that the application could be approved which might cause the decision to be revisited members are encouraged to discuss these issues.

Consultation expiry date: 01 May 2014
Decision date: 23 May 2014

Proposal

1. Resubmission of planning application 11/00120/FUL for the erection of a two storey detached dwelling on land adjacent to The Bungalow, Chorley Old Road, Clayton Le Woods.
2. The proposed dwelling would measure 10.6m in width, with a garage projecting an additional 3.3m from the side elevation. It would be a maximum of 8.4m in depth with a bay window projecting around 1m to the front. There would be a dual pitched roof with front gable feature. The ridge and eaves height of the dwelling would be around 6.4m and 3.5m respectively and the ridge and eaves height of the attached garage would be around 4m and 2.5m respectively.
3. An existing vehicular access to Chorley Old Road would be utilised and facilitated by the removal of an existing detached garage.

Recommendation

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

Main Issues

5. The main issues for consideration in respect of this planning application are:
 - Background information;
 - Principle of the Development;
 - Design and impact on the character of the area;
 - Impact on neighbour amenity;
 - Impact on Highways / Access;
 - Section 106 Agreement.

Representations

6. One letter of objection has been received from the occupiers of 25 Ashdown Drive. This relates to the following issues:
 - Garden development
 - No requirement for further housing
 - Loss of light
 - Loss of outlook
 - Loss of privacy
7. No letters of support have been received
8. Clayton Le Woods Parish Council have no comments to make on the application

Consultations

9. **Lancashire County Council (Highways)** - No objection
10. **Chorley's Waste & Contaminated Land Officer** - No objections subject to an assessment being carried out prior to the commencement of development to determine the presence of land contamination, and any subsequent remediation carried out.

Applicants Case (if required)

11. The proposed scheme is for a new two storey detached dwelling on a currently vacant site that was previously used as an area for vehicle repair and was scattered with run

down temporary sheds. This proposal will create an attractive residential dwelling on a previously disused, unsightly plot of land.

Assessment

Background Information

12. This application seeks planning permission for the erection of a two storey dwelling on land adjacent to The Bungalow, Chorley Old Road, Clayton Le Woods. The application site has some planning history, which is of particular relevance to the determination of this application.
13. The application site falls within the same ownership as the adjacent bungalow, however, this is not a private residential garden. The local Parish Council and Councillor Bell have confirmed that historically this site was used for a small car repairs garage. Retrospective planning permission was granted in 1992 (Ref 92/385) for Mr Kitson (father of applicant) to use the site for car repairs. A condition of this permission was that the site could only be used specifically by Mr Kitson given the surrounding residential nature of the area – with a more intensive garage use considered inappropriate. Since his retirement the site appears to have been left vacant and the majority of buildings removed.
14. In April 2011 an application (ref. 11/00120/FUL) was approved for the erection of a two storey dwelling on the same site. The original design was amended several times to address overlooking and privacy issues. The property would have been over 30m from the boundary with the nearest neighbour and at a significantly lower level so would not give rise to issues relating to overlooking or overshadowing. Removing first floor habitable room windows ensured that the relationship with The Bungalow was acceptable should this become owned by a family other than that of the applicant.
15. As such, in considering this application, it is relevant to assess what differences there may be in relation to the previously approved scheme.

Principle of the development

16. In determining the principle of the development it is relevant to consider the previous application, but also whether there have been any changes in policy which may have an impact on the principle of the development.
17. The proposed development is identical to the previously approved 11/00120/FUL, with the exception of a front dormer window having been replaced by a roof light. All other elements remain the same.
18. Turning to the issue of planning policy, 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.
19. 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.
20. 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.”*
21. It is therefore considered significant weight can be given to the policies and proposals of the emerging Local Plan, as amended by the main modifications.
22. The application site is located in the core settlement area of Clayton le Woods. 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.

23. The site is not considered to be a private residential garden and was most recently used for small scale car repairs. Since this operation ceased there does not appear to have been an intervening use with the site having fallen into a state of abandonment. It is certainly not being used as a garden at the present time and does not appear to have been used as such. Policy HS3 of the emerging Chorley Local Plan 2012 -2026 is not therefore applicable and the principle of the proposed development is considered acceptable.

Design and impact on the character of the area

24. The current proposal is for the erection of a two storey dwelling, which is a house type common to the immediate area. The bungalow has been designed to reflect the character and appearance of the surrounding area and would be constructed of red brick elevations with a pitched roof laid in concrete tiles.
25. In terms of the layout the constraints of the site restrict what can be achieved. The applicant's architect has confirmed that one of the reasons for having the property side-on is not only to make best use of the site but also minimise any overlooking to surrounding properties. Having the house in the position shown ensures that all first floor habitable room windows face out onto the garden and across onto Chorley Old Road, away from the objector's property. Having a house front onto the main road would lead to overlooking onto the site for future occupiers and potential conflict with 5 Chartwell Close. The orientation of the house has also been changed to face south – having the principle elevation of the house as the only visible side from the street – especially important given the site's prominent elevated position in the street scene.
26. In addition to this there is no clear urban form along Chorley Old Road; whilst the immediate run of houses do face the road, residential development is primarily focused around small suburban estates (such as Chartwell Close and Ashdown Drive) set back from the road in the form of small cul-de-sacs. The layout proposed is therefore considered to be acceptable and makes the best use of this brownfield site in a residential area, whilst removing any potential impact on amenity for future residents.
27. It is noted the other nearby properties fronting Chorley Old Road are Bungalows. The design of the proposed dwelling is consistent with the unique mix of bungalows along Chorley Old Road as it is not a traditional two storey design. Given the mix of architectural styles, ages, and materials the proposal would not be out of character and would add to this existing mix of styles of bungalows in the immediate locality.
28. The appearance of the property is therefore considered to be acceptable and complies with Policy BNE1 of the emerging Chorley Local Plan 2012 - 2026.
29. It must be noted at this point that the size of the plot is somewhat restrictive and therefore it is considered appropriate, in the interests of both the amenity of the neighbouring residents and the impact on the character and appearance of the street scene, to remove permitted development rights by planning condition in order to ensure the development remains in accordance with Policy BNE1 of emerging Chorley Local Plan 2012 - 2026.

Impact on Neighbour Amenity

30. Emerging Chorley Local Plan 2012 – 2026 BNE1 requires proposals for all new housing to ensure an appropriate level of amenity for both future occupants and surrounding neighbours. In terms of the future occupants the scheme would include space around the house and a garden area of approximately 9.5m in length and 15m in width. This is considered to provide a good level of private amenity area.
31. The side-on orientation ensures that the property faces south – with the traditional 'rear' garden at the front, and vehicular parking and access to the rear. During the determination of the previous application one option considered and discounted involved

facing the house onto Chorley Old Road reflecting the layout of The Bungalow. This was discounted due to the impact on residential amenity for future occupants who would be overlooked by properties on Chartwell Close, which is at a considerably higher level, albeit separated by existing mature tree planting.

Impact on 'The Bungalow'

32. In terms of the impact on surrounding properties the nearest is The Bungalow itself, which would be approximately 15m away and site perpendicular to the rear elevation. The Bungalow and neighbouring property beyond are unique in that they have little or no rear gardens, with private amenity space restricted to the front, which is predominantly used for car parking. Whilst there would be some overshadowing caused by the new development by virtue of its southern position, the degree of separation (15m), modest height of the proposed dwelling (6.4m), and excavation of land levels (further 1m) ensures this would not have a significant detrimental impact. The ridge height of The Bungalow extends to 5.1m, with the new property 6.4m. This difference of 1.3m would not significantly overshadow the neighbouring property and would not appear overly dominant in terms of its scale and massing.
33. The proposed dwelling would face south onto Chorley Old Road. This ensures that there are no habitable room windows at first floor level which would overlook The Bungalow.
34. One window is proposed to the side elevation serving Bedroom 2 however this looks out onto a public footpath and parking area at the top of Chartwell Close; improving natural surveillance onto this space. The proposal complies with the Council's spacing standards and first floor habitable room windows will not overlook The Bungalow.

Impact on Other Property

35. One letter of objection has been received raising concerns over the impact of the proposal on the amenity of 25 Ashdown Drive in terms of loss of light, outlook and privacy. However, 25 Ashdown Drive is approximately 40m from the application site to the north-east and is also set at a significantly higher level with mature boundary landscaping. Given the change in land levels and degree of separation there will be no significant impact on this property in terms of loss of light, outlook or privacy. No objection has been received from the closest neighbour at 5 Chartwell Close, who benefits from a large detached garage sited between the new house and their private garden area.
36. In terms of overlooking to these properties there are no first floor bedroom windows on the rear elevation and the new dwelling is over 10m from the boundary with 5 Chartwell Close. Whilst one window is proposed on the side elevation this overlooks the parking area at Chartwell Close. Given the acute angle to neighbouring properties, degree of separation, boundary landscaping, and change in levels this window will have no impact on neighbouring property.
37. In summary, the proposal is considered to be acceptable in accordance with the Council's Design Guidance and spacing standards. Whilst a letter of objection has been received from 25 Ashdown Drive this property is some 40m away and set considerably higher than that proposed, ensuring there will be no significant impact in terms of overshadowing and with no overlooking following amendments to the layout. The proposal meets all the relevant standards and therefore complies with Policy BNE1 of the emerging Chorley Local Plan 2012 - 2026.

Access and Parking

38. Policy ST4 of the emerging Chorley Local Plan 2012 – 2026 requires all proposals to have safe access and adequate car parking. LCC Highways have reviewed the proposed access arrangements and confirmed they are acceptable and simply seek to re-use the existing access to have a shared arrangement.

39. The house proposed would have 4-bedrooms and in accordance with the advice in the Householder Design Guidance 3no. car parking spaces would be provided; one in a single garage with sufficient space left over to the front of the property to easily accommodate a further 2no. vehicles. The proposal therefore meets the tests of Local Plan Policy ST4 and is acceptable in highways terms.

Section 106 Agreement

40. In line with Council guidelines the applicant has agreed to enter into a Section 106 legal agreement towards equipped play areas, casual/informal play space and playing fields. The legal agreement has been passed to the applicant any planning permission would be subject to this S106.

CIL

41. In line with the adopted CIL charges and associated regulations the development would result in a payment of around £10,517 towards infrastructure in the local area.

Overall Conclusion

42. The proposal meets the Council's guidance with regard to overlooking and separation distances. Whilst a neighbouring resident has objected, the property would be over 30m from their boundary and at a significantly lower level so will not give rise to issues relating to overlooking or overshadowing in accordance with Policy BNE1 of the emerging Chorley Local Plan 2012 - 2026. Removing first floor habitable room windows also ensures that the relationship with The Bungalow is acceptable should this become owned by a family other than the applicant.

43. Subject to conditions the proposal meets all other relevant Development Plan Policies and the applicant has agreed to enter into a Section 106 legal agreement for the contribution to open space. It is therefore recommended that full planning permission is granted.

Other Matters

No requirement for further housing

44. The proposed development would not take place on a site that is allocated for housing or any other type of use. It would therefore represent a windfall site. The preamble to policy HS1 of the emerging Chorley Local Plan 2012 – 2026 states that *windfall sites can be in sustainable locations and their development can enable the effective use of brownfield land, help to regenerate areas, and provide a mix of housing in terms of tenure and price. Accordingly, the development of windfall sites will be considered favourably, subject to accordance with other relevant policies in the development plan.* As such, the principle of developing a dwelling on the site proposed is acceptable.

Planning Policies

National Planning Policies:

National Planning Policy Framework (The Framework)

Adopted Chorley Borough Local Plan Review

Policies: GN1, GN5, HS4 and TR8

Supplementary Planning Guidance:

- Statement of Community Involvement
- Design Guide

Joint Core Strategy

Central Lancashire Core Strategy (2012)

Emerging Chorley Council Local Plan 2012 - 2026

V1, ST4, BNE1

Planning History

Ref:	11/00120/FUL 7 April 2011	Decision:	PERFPP	Decision Date:	
Description:	Erection of a 2-Storey detached dwelling				
Ref:	85/00855/FUL 25 February 1986	Decision:	REFFPP	Decision Date:	
Description:	Garage for repair of motor vehicles				
Ref:	77/00398/FUL 5 July 1977	Decision:	REFFPP	Decision Date:	
Description:	Garage				
Ref:	77/00759/FUL 25 October 1977	Decision:	PERFPP	Decision Date:	
Description:	Garage				

Conditions

1. The Development shall only be carried out in accordance with the approved plans, except as may otherwise be specifically required by any other condition of this permission or unless otherwise first agreed to in writing by the Local Planning Authority.

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

2. The integral/attached garage shall be kept freely available for the parking of cars and shall not be converted to living accommodation, notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995.

Reason: To ensure adequate garaging/off street parking provision is made/maintained and thereby avoid hazards caused by on-street parking

3. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (Schedule 2, Part 1, Class A to D) or any Order revoking or re-enacting the Order, no alterations or extensions shall be undertaken to any dwelling hereby permitted.

Reason: To protect the appearance of the locality.

5. The proposed development must be begun not later than three years from the date of this permission.

Reason: Required to be imposed by Section 51 of the Planning and Compulsory Purchase Act 2004.

6. This consent relates to the following plans:

Plan Ref.	Received On:	Title:
SK/32/1	19 March 2014	Site Location Plan
SK/32/2A	19 March 2014	Existing Plan
SK/32/3D	19 March 2014	Proposed Site Plan
SK/0/1D	19 March 2014	Proposed Floor Plans
SK/0/2D	19 March 2014	Proposed Elevations

Reason: To define the consent and to ensure all works are carried out in a satisfactory manner.

7. No development shall take place until details of the proposed surface water drainage arrangements have been submitted to and approved by the Local Planning Authority in writing. No part of the development shall be occupied until the approved surface water drainage arrangements have been fully implemented.

Reason: To secure proper drainage and to prevent flooding

8. Before the development hereby permitted is first commenced full details of existing and proposed ground levels and proposed building slab levels (all relative to ground levels adjoining the site) shall have been submitted to and approved in writing by the Local Planning Authority, notwithstanding any such detail shown on previously submitted plan(s). The development shall only be carried out in conformity with the approved details.

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

9. 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.

10. All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following the occupation of any buildings or the completion of the development, whichever is the sooner, and any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority gives written consent to any variation.

Reason: In the interest of the appearance of the locality

11. The development hereby permitted shall not commence until samples of all external facing materials to the proposed building(s) (notwithstanding any details shown on previously submitted plan(s) and specification) have been submitted to and approved in writing by the Local Planning Authority. The development shall only be carried out using the approved external facing materials.

Reason: To ensure that the materials used are visually appropriate to the locality

12. Due to past processes/activities at this site, (coal storage/depot; vehicle repair/garages) there is a potential for ground contamination. The development hereby permitted shall not commence until the applicant has submitted to and had approved in writing by the Local Planning Authority a report to identify any potential sources of contamination on the site and where appropriate, necessary remediation measures.

The report should include an initial desk study, site walkover and risk assessment and if the 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.

The development shall thereafter only be carried out following the remediation of the site in full accordance with the measures stipulated in the approved report.

Reason: To protect the environment and prevent harm to human health by ensuring that the land is remediated to an appropriate standard for the proposed end use.

13. Before the development hereby permitted is first commenced, full details of the position, height and appearance of all fences and walls to be erected to the site boundaries (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 building shall be occupied or land used pursuant to this permission before 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, to protect the amenities of occupiers of nearby property

14. 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

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