

Item 3e	14/00110/OUT
Case Officer	Adele Hayes
Ward	Chisnall
Proposal	Outline application for the erection of 2 detached dwellinghouses (all matters reserved)
Location	69 Charter Lane Charnock Richard
Applicant	Mr And Mrs A.J, M & A Baybutt, McLeod & Cook
Consultation expiry:	12 March 2014
Decision due by:	13 February 2015

UPDATE:

It was previously considered that this application could be dealt with under delegated powers following Chairs Brief on 8 July 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 2 dwellings 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 set out within the body of the report

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.

RECOMMENDATION: PERMIT SUBJECT TO CONDITIONS

14/00110/OUT

DELEGATED REPORT

Target Date: 31 March 2014

RECOMMENDATION: PERMIT SUBJECT TO LEGAL AGREEMENT AND CONDITIONS

Signed:

Case Officer: Adele Hayes

Agreed:

Date: 8 July 2014

Date:

RELEVANT POLICIES: In accordance with S.38 (6) Planning and Compulsory Purchase Act (2004), the application has been determined in accordance with the development plan (the Central Lancashire Core Strategy (2012), 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.

Note on the Emerging Chorley Local Plan 2012-2026

The Inspector has issued her partial report on the findings into the soundness of the Chorley Local Plan 2012-2026 which is a material consideration in the consideration of any planning application. 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 and Travellers. The examination of the local plan remains open, and the Inspector will reconvene the examination later in 2014 to consider Gypsy and Traveller matters, which would enable the adoption of the local plan, following a supplementary report.

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 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 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 Inspector’s modifications for Development Management purposes at its Executive Committee on 21st November 2013. It is therefore considered that significant weight can be given to her report, and to the policies and proposals of the emerging Local Plan, as amended by the main modifications.

HOW QUALITY OF SCHEME HAS BEEN IMPROVED: Acceptable as submitted

COUNCILLOR REQUEST TO REFER TO COMMITTEE: None received

CONSULTEE COMMENTS:

The Coal Authority - Low risk area – standing advice recommended
Lancashire County Council Highways - Recommend condition
People & Places - Waste & Contaminated Land – No objections
Charnock Richard Parish Council have confirmed that they have no objections
United Utilities – no objections

NEIGHBOUR COMMENTS:

One letter of objection has been received objecting to the proposal on the grounds that it will result in a loss of light for the occupants of adjoining properties and the loss of a mature garden.

OFFICERS REPORT:

Proposal

This application seeks outline planning permission for the erection of 2 detached dwellinghouses with all matters reserved for subsequent approval.

Site Description

This site is located in the Charnock Richard settlement and comprises a piece of land between 65 Charter Lane and two dwellings which are under construction (10/00298/FUL). Outline planning permission was granted in 2007 for the construction of 4 no. dwellings on a larger site that included this parcel of land. Two of these dwellings are being constructed at the present time and the original dwelling on the site was demolished to make way for the dwellings under construction. The dwellings being constructed were the subject of a full planning permission rather than a reserved matters application as the layout differed to that approved at outline stage. .

Constraints

Coal consultation zone
More than 1 Other
More than 1 Other
Wind turbine consultation zone

Site History

The site history of the property is as follows:

- | | | |
|--|-------------------------|--|
| Ref: 81/00657/FUL | Decision: PERFPP | Decision Date: 3 August 1981 |
| Kitchen/bedroom extension and detached garage | | |
| Ref: 07/01068/OUT | Decision: PEROPP | Decision Date: 13 December 2007 |
| Outline application for the demolition of existing house and erection of four detached dwellings (layout only), | | |
| Ref: 08/00471/FUL | Decision: PERFPP | Decision Date: 5 August 2008 |
| Erection of detached house, | | |
| Ref: 10/00298/FUL | Decision: PERFPP | Decision Date: 2 July 2010 |
| Erection of two detached dwellings on plots 3 & 4 approved by outline planning permission no. 07/01068/OUT | | |
| Ref: 10/00612/DIS | Decision: PEDISZ | Decision Date: 8 October 2010 |
| Application to discharge condition nos. 7, 11, 12, 13 and 17 of planning permission no. 10/00298/FUL which permitted the erection of 2 no. detached dwellings | | |
| Ref: 10/01069/OUT | Decision: PEROPP | Decision Date: 3 February 2011 |
| Application for new planning permission to replace the extant outline planning permission on part of the site which permitted residential development (Ref No. 07/01068/OUT) | | |

Summary of Issues

The main issues for consideration in respect of this planning application are:

- The acceptability of the principle of the development
- Impact on the neighbours
- Open space
- Highway safety

Analysis of Issues

The land which is the subject of this application does not have any built development on it. Part of this application site was previously occupied by 69 Charter Lane but this dwelling has been demolished to make way, in part, for the two dwellings presently being constructed on the southern part of the site. Each of these

dwelling under construction includes its own residential curtilage hence once completed; the dwelling adjacent to the application site would have its boundary running from the front to the back of the site. The remaining land (the current application site) would not be used as a garden for the nearest dwelling being constructed. Moreover, as stated, the original dwelling on the site has now gone so what would remain is a piece of undeveloped land that does not form the residential curtilage of any property.

In this case, it is considered appropriate to assess the application against the provisions of Policy GN4 given that the land is no longer the residential curtilage of 69 Charter Lane or any other property. The nature of this site is now considered to be an infill plot which meets the description of such sites set out in paragraph 2.13 of the preamble to Policy GN4 of the Local Plan so has significant weight. This Policy states that Development in Rural Settlements (including Charnock Richard) will be limited to (a) Infill Sites. This being the case, it is considered that the proposal accords with the Development Plan.

Outline planning permission is being sought will all matters reserved. The scale of the dwellings will be two storey as per the original permission and a planning condition is recommended requiring the eaves and roof ridge levels of the dwellings developed to match that of the two dwellings under construction thus providing a consistent and aesthetically appropriate frontage along all four plots to the Charter Lane streetscene.

As with the previous application, no objections have been raised by LCC Highways and the relationship with the property to the north of the site (65 Charter Lane) will remain the same and this was considered acceptable when the original outline planning permission was granted.

The Open Space and Playing Pitch SPD was adopted for development control purposes at the Council meeting on 17th September 2013. Therefore, the provisions of emerging Local Plan Policies HS4A and HS4B and the approach in the SPD are relevant.

Amenity Greenspace

Emerging Local Plan Policy HS4A sets a standard of 0.73 hectares per 1,000 population.

There is currently a deficit of provision in Charnock Richard in relation to this standard, a contribution towards new provision in the settlement is therefore required from this development. The amount required is £140.

Provision for children/young people

Emerging Local Plan Policy HS4A sets a standard of 0.08 hectares per 1,000 population.

There is currently a surplus of provision in Charnock Richard in relation to this standard, a contribution towards new provision in the settlement is therefore not required from this development. The site is also not within the accessibility catchment (800m) of any areas of provision for children/young people that are identified as being low quality and/or low value in the Open Space Study. A contribution towards improvements is therefore also not required from this development.

Parks and Gardens

There is no requirement to provide a new park or garden on-site within this development.

There are no parks/gardens within the accessibility catchment (1,000m) of this site identified as being low quality and/or low value in the Open Space Study therefore a contribution towards improving existing provision is not required.

Natural and Semi-Natural Greenspace

There is no requirement to provide new natural/semi natural greenspace on-site within this development.

There are no areas of natural/semi-natural greenspace within the accessibility catchment (800m) of this site identified as being low quality and/or low value in the Open Space Study therefore a contribution towards improving existing provision is not required.

Allotments

There is no requirement to provide allotment provision on site within this development.

The site is within the accessibility catchment (10 minutes' drive time) of allotments that are identified as being low quality and/or low value in the Open Space Study (sites 1647 – Chapel Lane, 1644 – Whittam Road, Chorley, 1646 – Worthy Street, Chorley).

The site is also within the accessibility catchment (10 minutes' drive time) of a proposed new allotment site at Land at Sylvesters Farm, Euxton (HW5.2). A contribution towards new allotment provision or improvements is therefore required from this development. The amount required is £15.

Playing Pitches

A Playing Pitch Strategy was published in June 2012 which identifies a Borough wide deficit of playing pitches but states that the majority of this deficit can be met by improving existing pitches. A financial contribution towards the improvement of existing playing pitches is therefore required from this development. The Playing Pitch Strategy includes an Action Plan which identifies sites that need improvements. The amount required is £1,599.

THE TOTAL FINANCIAL CONTRIBUTION REQUIRED FROM THIS DEVELOPMENT IS AS FOLLOWS:

Amenity greenspace	= £140
Equipped play area	= £0
Parks/Gardens	= £0
Natural/semi-natural	= £0
Allotments	= £15
Playing Pitches	= £1599
Total	= £1754

This will be secured by a S.106 agreement.

Conclusion

The proposal is considered to be acceptable and it is recommended that this application is granted conditional outline planning approval subject to a Section 106 Agreement.

Site Visit Date:	19 February 2014	Site Notice Expiry Date:	12 March 2014
Nbr Letter Expiry Date:	28 February 2014	Press Notice Expiry Date:	

RECOMMENDATION: PERMIT SUBJECT TO CONDITIONS

CODE: PERFPP

CONDITIONS

1. An application for approval of the reserved matters (namely the layout, external appearance of the dwellings, the landscaping of the site and the means of access thereto) 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: Required to be imposed by Section 92 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

2. The approved plans are:

Plan Ref.	Received On:	Title:
N/A	3 rd February 2014	Location Plan

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

3. Prior to the first occupation of the approved dwellings a 2.4m footway to an adoptable standard shall be provided across the full frontage of the site to Charter Lane. The footway shall be constructed to the LCC 'Specification for Construction of Estate Roads'.

Reason: To ensure adequate vision from the site access and in the interests of pedestrian safety.

4. The development hereby permitted shall not commence until samples of all external facing materials to the proposed dwellings (notwithstanding any details shown on the approved plans) 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.

5. Surface water must drain separate from the foul and no surface water will be permitted to discharge to the foul sewerage system.

Reason: To secure proper drainage.

6. No development shall take place until details of the proposed surface and foul 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 and foul water drainage arrangements have been fully implemented.

Reason: To secure proper drainage and to prevent flooding.

7. The layout of each dwelling shall include the provision for the parking of two vehicles if the dwellings have 3 bedrooms or 3 vehicles if the dwellings have 4 bedrooms or more and such provision shall be laid out and made available for use prior to the occupation of the dwellings hereby approved and retained for that purpose thereafter.

Reason: To provide adequate on site facilities and in the interests of highway safety.

8. That part of the access extending from the kerb line/edge of carriageway for a minimum distance of 5 metres into the site shall be paved in permanent construction, in accordance with details to be first approved in writing by the Local Planning Authority, before the access is used for vehicular purposes.

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.

9. The eaves and ridge heights of the dwellings hereby permitted shall match the eaves and ridge heights of the dwellings on the land adjoining.

Reasons: To define the permission and to ensure the dwellings relate well to the locality.