

Item 3B	14/00376/OUT
Case Officer	Helen Lowe
Ward	Chorley North East
Proposal	Outline application for the erection of a new dwelling (all matters reserved save for access)
Location	3 Oak Drive, Chorley
Applicant	Mr Rodney Fullwood
Consultation expiry:	1st July 2014
Decision due by:	1st August 2014
Recommendation	Approve outline consent
Executive Summary	This is an outline application with all matters reserved except access. The application site is located within the private garden area of no. 3 Oak Drive. The proposal would not have a harmful impact on the character of the area and is considered to represent sustainable development as set out in the Framework. The proposal would not give rise to undue harm to the amenities of neighbouring residents or highway safety and is accordingly recommended for approval.

This application was deferred for a site visit at the February Development Control Committee meeting.

It was previously considered that this application could be dealt with under delegated powers 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 one 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 the original 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 27th 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 into 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:

The obligations are as follows (sites as identified in the Central Lancashire Open Space Study, Final Open Space Audit Report, May 2012):

Amenity Greenspace

A contribution of £140 towards new provision in the Chorley North East, Chorley.

Provision for children/young people

A contribution of £134 towards new provision in the Chorley North East, Chorley.

Allotments

A contribution of £15 towards improving the quality/value of the following sites as identified in the Central Lancashire Open Space Study, Final Open Space Audit Report, May 2012:

Site 1644 – Whittam Street/Moor Road,

Site 1646 – Allotments rear of Worthy Street,

Site 1648 – Allotments rear of Bay Horse Hotel, Preston Road

Policy HW5.2 proposed new allotment site at Sylvesters Farm, Euxton

Playing Pitches

A contribution of £1,599 towards the improvement of existing playing pitches in the Borough as identified in the Chorley Action Plan within the Central Lancashire Playing Pitch Strategy & Action Plan, June 2012.

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.

Representations

In total 4 representations have been received which are summarised below

Objection

Total No. received: four

- A building on the proposed site would allow their own house and garden to be overlooked with a resulting loss of privacy;
- There would be a loss of light to their property;
- Parking for three vehicles would cause noise, disturbance and pollution;
- An entrance/exit to Millenium Way or Hazel Grove would cause a significant hazard to traffic;
- There would be an adverse impact on the character of the area given that the proposed building plot is a long established residential garden, and would disrupt the wildlife inhabiting the plot and adjacent areas;
- Only a single storey building should be allowed to prevent visual intrusion;
- Noise and disturbance from the use of the property and increased road noise due to the removal of trees from the boundary;
- Additional traffic on Oak Drive would be hazardous to traffic

Consultees

Consultee	Summary of Comments received
LCC Highways	No objections to access from Hazel Grove

Assessment

Principle of the Development

1. This is an outline application for the erection of one dwelling, with all matters reserved except for access. The application site forms part of the garden area of no. 3 Oak Drive, which is located within the settlement boundary of Chorley. It is located to the west of the existing dwelling. In accordance with the Framework the site is therefore considered to be previously undeveloped land.
2. Policy HS3 of the emerging Local Plan deals with private residential garden development. It states that within settlements, applications for development within private residential gardens will only be permitted for replacement dwellings, conversion of domestic buildings and infill development. Infill development is the filling of a small gap in an otherwise built up street frontage. The Council will also have regard to the sustainability of the site and proposals which significantly undermine the distinctive character of an area will be refused.
3. The application site is a corner plot, located at the junction of Hazel Grove and Millennium Way. At present the site is accessed via Oak Drive, a private road off Maple Grove to the east. As such the application site does not form an infill plot in the traditional sense, however, the site is surrounded by dwellings to the south and east, and there are other dwellings to the west, separated by the road. The application site, does infill a gap, with dwellings on either side, all be them not within a built up frontage.
4. One of the core principles of the Framework is that development should be focussed in locations that are sustainable. It is considered that the site is located in a sustainable location with easy access to public transport, amenities such as a hospital, church and public house nearby and the means to access other amenities easily. The Framework also states that development in sustainable locations should be approved without delay.
5. On balance it is considered that although the application site does not strictly form an infill plot as defined in policy HS3, it accords with the thrust of these policies that seeks to prevent development that would be out of keeping with the character of the existing area and encroach into otherwise open and undeveloped areas. The proposal would represent an efficient use of space within a sustainable location.

Neighbour Amenity

6. BNE1 of the emerging Local Plan states that new development must not cause harm to any neighbouring property by virtue of overlooking, overshadowing, or by creating an overbearing impact.
7. No. 1 Hazel Grove to the south is a two storey property, with a single storey element to the north side, facing the application site. There are a number of mature trees and shrubs along the southern boundary, with no. 1 Hazel Grove. A number of these are within the control of the neighbouring property, rather than the applicant. The dwelling at no. 1 has a number of ground floor windows in the single storey element to the side facing the boundary; these serve a garage and a kitchen. These windows are approximately 14m from the boundary. There is also a first floor window in the north facing side elevation of the main part of dwelling, overlooking the application site. This is to a non-habitable room. Taking into consideration the distance of the neighbouring property from the application site it is considered that a dwelling could be designed at reserved matters stage that would maintain a suitable level of privacy for the occupants of no. 1 Hazel Grove.
8. No. 9 Rowan Drive is located to the south east; although the application site does not directly adjoin this property, there would be oblique views towards the application site from this property. It is considered that with careful design a property could be accommodated on the application site that would comply with the Council's interface standards and not cause an unacceptable degree of overlooking or loss of privacy for the occupants of no. 9 Rowan Drive.
9. The only other property to be affected by the proposal is the applicant's own property.

Highways

10. The outline application includes consideration of the access arrangement and the application details access to the site from Hazel Grove, immediately adjacent to the southern boundary of the site with no. 1 Hazel Grove. The LCC Highways Engineer has advised that locating the access in this location would be acceptable and is not considered to cause undue harm to highway safety.
11. It is considered that there would be sufficient space within the application site to accommodate a suitable level of off street parking in accordance with policy ST4 of the emerging local plan. It is not considered that the level of increased vehicle movement from one modestly sized dwelling would be so detrimental as to warrant refusal of the proposals.

Design and appearance

12. As the application is in outline only no details of design have been provided, although the indicative site layout provided states that a bungalow is proposed. Existing dwellings in the surrounding area are varied, with different styles and materials and scales. It is considered that an appropriate design could be achieved.
13. The removal of the large mature conifers on the west facing site boundary (onto Hazel Grove) to necessitate the new access to the site would represent a significant change in the appearance of the immediate area. However, due to the nature and character of these trees it is not considered that it would be appropriate to require their retention.

Section 106 agreement

14. There is a requirement for a financial contribution towards equipped play space, casual/informal play space and playing fields for all new housing planning permissions in the Borough irrespective of size. This is set out in policies HS4A and HS4B of the Emerging Local Plan.
15. In September 2013 the Council adopted The Open Space and Playing Pitch Supplementary Planning Document. The Council's requests for financial contributions towards the provision and improvement of public open space within the Borough are therefore now based on comments are based upon the standards within emerging Local Plan Policies HS4A and HS4B and the approach in the SPD. The Council has also produced an Open Space Study and Playing Pitch Strategy which provides detailed information on local needs, deficits and surpluses, therefore such requests for contributions are based on a robust and up to date assessment on the level of need and existing provision in the local area.
16. The Council's Planning Policy Section have advised that a figure of £1888 is required in this instance. The applicant has been made aware of this.

CIL

17. The Chorley CIL Charging Schedule provides a specific amount for housing - £65 per sq m. This was adopted in July 2013 and charging commenced on 1 September 2013. As the proposal results in new residential floor space being a CIL liability notice will be issued for the development.

Overall Conclusion

18. The application site does not fall within the definition of an infill plot as set out in local plan policy HS3, however, due to its relationship with other adjacent properties it is considered that the proposal would have a very limited impact on the character of the area and would accord with the aims of these policies.
19. It is also considered that the proposal would not give rise to undue harm to the amenities of neighbouring residents or highway safety and is accordingly recommended for approval.

Planning Policies

20. 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

Reference	Description	Decision	Date
85/00585/FUL	Erection of two detached bungalows	Approved	21 st February 1984

Suggested Conditions

No.	Condition									
1.	<p>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.</p> <p><i>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.</i></p>									
2.	<p>The development hereby permitted shall be carried out in accordance with the following approved plans:</p> <table border="1" data-bbox="320 734 1289 846"> <thead> <tr> <th data-bbox="320 734 639 768">Title</th> <th data-bbox="639 734 959 768">Drawing Reference</th> <th data-bbox="959 734 1289 768">Received date</th> </tr> </thead> <tbody> <tr> <td data-bbox="320 768 639 801">Location plan</td> <td data-bbox="639 768 959 801"></td> <td data-bbox="959 768 1289 801">5 June 2014</td> </tr> <tr> <td data-bbox="320 801 639 846">Site plan</td> <td data-bbox="639 801 959 846"></td> <td data-bbox="959 801 1289 846">1 April 2015</td> </tr> </tbody> </table> <p><i>Reason: For the avoidance of doubt and in the interests of proper planning</i></p>	Title	Drawing Reference	Received date	Location plan		5 June 2014	Site plan		1 April 2015
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3.	<p>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.</p> <p><i>Reason: In the interests of minimising the environmental impact of the development</i></p>									
4.	<p>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.</p> <p><i>Reason: In the interests of minimising the environmental impact of the development</i></p>									
5.	<p>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.</p> <p><i>Reason: In the interests of minimising the environmental impact of the development</i></p>									