

Item 3m **15/00571/FUL**

Case Officer **Iain Crossland**

Ward **Chorley East Ward**

Proposal **Erection of detached bungalow**

Location **Tinklers House**
Hoggs Lane
Chorley
PR7 4AW

Applicant **Mr David McKeown**

Consultation expiry: **15 July 2015**

Decision due by: **17 August 2015**

Recommendation

It is recommended that this application is approved subject to conditions

Executive Summary

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

Consultees

Consultee	Summary of Comments received
Environmental Health	The Environment Agency has no objection in principle to the proposed development
United Utilities	<p>A public sewer crosses this site and we will not permit building over it. We will require an access strip width of eight metres, four 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.</p> <p>Therefore a modification of the site layout, or a diversion of the affected public sewer at the applicant's expense, may be necessary.</p>
Conservation Officer	<p>I consider the proposed development to be acceptable. It will, in my view, preserve the appearance of the nearby listed buildings (railway viaduct and canal bridge) and sustain the significance of these designated heritage assets.</p> <p>Comments:</p> <p>In this case the site is located approximately 50 metres from the railway viaduct and 84 metres from the canal bridge. The viaduct is set at a much higher level than the site and is a massive, imposing structure by comparison with the proposed bungalow. The canal bridge is screened from any view from the site by other buildings in the intervening distance between them.</p> <p>As a result I consider that there will be no impact upon the appearance of either listed building and that consequently their respective significances, and that imbued in their setting, will not be materially altered as a result of the proposed development. Consequently their significance will be sustained and unharmed by the proposed development.</p>

Assessment

The Site

1. The application site comprises the garden curtilage at Tinklers House, Hoggs Lane, Chorley. The site is located within the core settlement area of Chorley and is accessed via a private drive off Hoggs Lane, which in turn provides access to the A6 Bolton Road.
2. Tinklers House itself is a red brick bungalow of traditional design and has a large garden curtilage defined by the bank of Black Brook, which is a designated main river. Tinklers House is one of a small group of five dwellings located at the very end of Hoggs Lane between the canal and railway line. The dwellings are of a variety of designs both modern and traditional faced in red brick and stone.
3. The site has a sense of isolation and despite being located immediately adjacent to Cowling Business Park and approximately 350 from the A6. This is due to the topography of the site and presence of the river, railway and canal, which form physical barriers.

The Proposal

4. The proposed development is for the erection of a detached bungalow and associated residential curtilage. The proposed bungalow would measure approximately 9.7m by 13.5m and would incorporate accommodation in the roof space. There would be a dual pitched roof with a ridge and eaves height of approximately 6.4m and 2.5m respectively. The property would be faced in red brick and the roof laid in slate.
5. The dwelling would incorporate two bedrooms and an integrated garage. There would be a driveway with parking area to the front.

Assessment

The main issues are as follows:-

Issue 1 – Garden Development

Issue 2 – Impact on character and appearance of the locality

Issue 3 – Impact on neighbour amenity

Issue 4 – Impact on designated heritage asset

Issue 5 – Impact on highways/access

Issue 6 – Section 106

Issue 7 - CIL

Principle of garden development

6. The application site is located in the core settlement area of Chorley. The 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.
7. Policy HS3 of the Chorley Local Plan 2012 - 2026 replaces the Interim Policy on Private Residential Garden Development. Policy HS3 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.
8. The site does not specifically comply with either criterion (a) or (b) due to the nature of what is proposed. With regards to criteria (c), the site does not meet the definition of a typical infill plot in that it is not a gap in a built up frontage.
9. Paragraph 5.29 of the preamble to Policy HS3 states, however, that when assessing applications for garden sites the Council will also have regard to the relationship of the development to the surrounding character in terms of density, siting, layout, massing, scale, design, materials, building to plot ratio and landscaping. The preamble also states

that the Council will have regard to sustainability issues such as access to public transport, schools, businesses and local services and facilities.

10. It is noted that there are a range of dwelling types and styles in the locality and that the proposed new build dwelling would reflect the siting and scale of the other surrounding properties in that there is no distinct building line with dwellings clustered around the private drive, dwellings are set in sizeable curtilage and the proposed dwelling would be of a modest scale. As there is no predominant design style in the locality the proposed dwelling would not be out of character, and it would be faced in red brick with a roof laid in slate to complement Tinklers House to which it would be adjacent. As such the proposed new build dwelling would not be detrimental to the character of the area.
11. In terms of sustainability, as set out in Policy HS3, there are factors which weigh in favour of the proposal. The site is located in the settlement area approximately 350m from the A6 Bolton Road, which supports a high frequency bus route. The site is also in close proximity to schools, shops, businesses and other services.
12. It is therefore considered that the site is in a sustainable location and therefore meets with the objectives of Policy HS3, which seeks to promote sustainable forms of development and is therefore likely to be acceptable in principle
13. Notwithstanding the above, criteria (d) of Policy 1 of the Central Lancashire Core Strategy encourages growth in key service centres such as Chorley.
14. As such, the principle of the development is considered to be acceptable in this case, subject to other material planning considerations.

Design and impact on the character of the area

15. The proposed bungalow has been designed to reflect the character and appearance of the surrounding area and would be constructed of brick elevations with a pitched roof laid in slate. It is noted that bungalows are common to the locality.
16. The position of the proposed bungalow would have a front elevation facing the private drive and would be set back from the driveway with space around the dwelling. There is no distinct building line with dwellings clustered around the access drive and therefore the positioning of the proposed bungalow would be consistent.
17. The dwelling would be of an appropriate scale for the plot and a bungalow on this site would respond well to the surrounding properties.
18. The application site is currently a less well maintained part of a large garden area that is made up of rough grass. The proposed development would result in a site that is more likely to be maintained through being in active use and reducing the extent of the curtilage of Tinklers House. This would be achieved without harming the 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.
19. The development is therefore considered to be in accordance with Policy BNE1 of the Chorley Local Plan 2012 - 2026 and has overcome the concerns regarding the impact on the street scene.

Impact on neighbour amenity

20. The proposed bungalow would be located approximately 14m from Tinklers House. It would not incorporate any windows facing this dwelling, and although the windows in the rear elevation would provide views over the garden curtilage at Tinklers House there would be no views of the private intimate amenity space. The proposed bungalow would be located to the south of Tinklers House but would not impact on light or outlook due to its relative positioning, scale and degree of separation.

21. The proposed bungalow would be located approximately 25m from Black Brook House, 26m from Casa Nostra and 30m from Red Bank. The degree of separation is such that there would be no unacceptable impact on privacy, light or outlook.
22. As a result of the above it is not considered that there would be any detrimental impact on the amenity of any neighbouring occupiers.

Impact on designated heritage asset

23. Paragraph 129 of the Framework states that, 'Local planning authorities should identify and assess the particular significance of any heritage asset that may be affected by a proposal (including by development affecting the setting of a heritage asset) taking account of the available evidence and any necessary expertise. They should take this assessment into account when considering the impact of a proposal on a heritage asset, to avoid or minimise conflict between the heritage asset's conservation and any aspect of the proposal.
24. The Chorley Local Plan 2012 to 2026, Policy BNE8 refers to the Protection and Enhancement of Heritage Assets. Essentially this policy mirrors the Framework. Paragraph b, states that, 'Applications will be granted where they sustain, conserve and, where appropriate, enhance the significance, appearance, character and setting of the heritage asset itself and the surrounding historic environment and where they show consideration for the following: iii, The Conservation and, where appropriate the enhancement of the setting of heritage assets
25. In this case the site is located approximately 50 metres from the listed railway viaduct and 84 metres from the listed canal bridge. The viaduct is set at a much higher level than the site and is a massive, imposing structure by comparison with the proposed bungalow. The canal bridge is screened from any view from the site by other buildings in the intervening distance between them.
26. There will be no impact upon the appearance of either listed structure and consequently their respective significances, and that imbued in their setting, will not be materially altered as a result of the proposed development. Consequently their significance will be sustained and unharmed by the proposed development.

Impact on highways/access

27. Vehicular access would be created directly from the private access drive, which is unadopted. This reflects the access arrangements at the other neighbouring properties.
28. There would be three car parking spaces proposed at the property, one space within the integral garage and two spaces on the driveway. The proposed development would result in a two bedroom dwelling. This meets with the adopted parking standards set out in policy ST4 of the Chorley Local Plan 2012 – 2026. It is therefore considered that there would be no harm to Highway Safety as a result of the proposed development.

Section 106 Agreement

29. The National Planning Practice Guidance 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 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.
30. This development is for the net addition of one dwelling, which is below the 10 unit threshold and also has a combined gross floorspace of less than 1000m².

31. 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.

CIL

32. The proposed development is CIL liable, however, it is the intention of the applicant to apply for a self-build exemption.

Overall Conclusion

33. It is considered that the 'principle' of a new dwelling on this site is acceptable due to the sustainable credentials of the site and its characteristics along with the objectives of Policy 1 of the Core Strategy, which encourages some growth in the Chorley core area. The sustainability of the site results from its location in the settlement area close to a main arterial route with excellent transport links to employment, schools, shops and other services. These factors are considered to establish the 'principle' of a new dwelling on the site and therefore compliance with Policy HS3 of the Chorley Local Plan 2012 - 2026.
34. The impact on the appearance and character of the area are acceptable as the new build dwelling is appropriately designed and is of an appropriate scale. The impact on neighbour amenity is considered to be acceptable as is the impact on highway safety. In addition to this the significance of nearby designated heritage assets would be maintained.
35. On the balance of the above the development is accordingly recommended for approval subject to conditions.

Planning Policies

36. 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 Local Plan 2012-2026 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) and the development plan. The specific policies/ guidance considerations are contained within the body of the report

Planning History

01/00028/FUL. Erection of single storey dwelling and detached double garage. Approved 20 June 2001

Suggested Conditions

No.	Condition
1.	<p>The proposed development must be begun not later than three years from the date of this permission.</p> <p>Reason: Required to be imposed by Section 51 of the Planning and Compulsory Purchase Act 2004</p>
2.	<p>Notwithstanding the details shown on the submitted plans, the proposed car parking and turning areas 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.</p> <p>Reason: In the interests of highway safety and to prevent flooding</p>
3.	<p>Before the development hereby permitted is first commenced, full details of the position, height and appearance of all fences and walls to be erected (notwithstanding any such detail shown on the approved plans) shall have been submitted to and approved in writing by the Local Planning Authority. The dwelling shall not 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.</p> <p>Reason: To ensure a visually satisfactory form of development, to provide reasonable standards of privacy to residents</p>
4.	<p>Before the development hereby permitted is first commenced full details of existing and proposed ground levels and proposed building finished floor 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 be carried out strictly in conformity with the approved details.</p> <p>Reason: To protect the appearance of the locality and in the interests of the amenities of local residents.</p>
5.	<p>A scheme for the landscaping of the development and its surroundings shall be submitted prior to the commencement of the development. These details shall include 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, proposed finished levels, means of enclosure, minor artefacts and structures. Landscaping proposals should comprise only native plant communities appropriate to the natural area.</p> <p>All hard and soft landscape works shall be carried out in accordance with the approved details within 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.</p> <p>Reason: To ensure that a satisfactory landscaping scheme for the development is carried out to mitigate the impact of the development and secure a high quality design.</p>
6.	<p>The external facing materials, detailed on the approved plans and application form, shall be used and no others substituted.</p> <p>Reason: To ensure that the materials used are visually appropriate to the locality.</p>

7.	<p>The parking and garaging and associated manoeuvring facilities shown on the plans hereby approved shall be surfaced or paved, drained out and made available in accordance with the approved plan prior to the first occupation of the dwellings hereby permitted and such parking facilities shall thereafter be permanently retained for that purpose (notwithstanding the Town and Country Planning (General Permitted Development) Order 2015).</p> <p>Reason: To ensure provision of adequate off-street parking facilities within the site</p>															
8.	<p>No development approved by this permission shall commence until a scheme for the disposal of foul and surface waters for the entire site has been submitted to and approved in writing by the Local Planning Authority. For the avoidance of doubt, surface water must drain separate from the foul and no surface water will be permitted to discharge directly or indirectly into existing public sewerage systems. The development shall be completed, maintained and managed in accordance with the approved details.</p> <p>Reason: To ensure a satisfactory form of development and to prevent an undue increase in surface water run off and to reduce the risk of flooding.</p>															
9.	<p>The development shall be carried out in accordance with the following plans:</p> <table border="0" data-bbox="320 837 1230 987"> <thead> <tr> <th data-bbox="320 837 603 869">Plan Ref.</th> <th data-bbox="603 837 895 869">Received On:</th> <th data-bbox="895 837 1230 869">Title:</th> </tr> </thead> <tbody> <tr> <td data-bbox="320 869 603 900">10667/P/05B</td> <td data-bbox="603 869 895 900">11 June 2015</td> <td data-bbox="895 869 1230 900">Location Plan</td> </tr> <tr> <td data-bbox="320 900 603 931">10667/P/04B</td> <td data-bbox="603 900 895 931">11 June 2015</td> <td data-bbox="895 900 1230 931">Proposed site plan</td> </tr> <tr> <td data-bbox="320 931 603 963">10667/P1/01B</td> <td data-bbox="603 931 895 963">11 June 2015</td> <td data-bbox="895 931 1230 963">Proposed floor plan</td> </tr> <tr> <td data-bbox="320 963 603 994">10667/P/03B</td> <td data-bbox="603 963 895 994">11 June 2015</td> <td data-bbox="895 963 1230 994">Proposed elevations</td> </tr> </tbody> </table> <p>Reason: For the avoidance of doubt and in the interests of proper planning</p>	Plan Ref.	Received On:	Title:	10667/P/05B	11 June 2015	Location Plan	10667/P/04B	11 June 2015	Proposed site plan	10667/P1/01B	11 June 2015	Proposed floor plan	10667/P/03B	11 June 2015	Proposed elevations
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10.	<p>All new dwellings are required to achieve a minimum Dwelling Emission Rate of 19% above 2013 Building Regulations.</p> <p>Reason: Policy 27 of the Adopted Central Lancashire Core Strategy requires new dwellings to be built to Code for Sustainable Homes Level 4 however following the Deregulation Bill 2015 receiving Royal Assent it is no longer possible to set conditions with requirements above a Code Level 4 equivalent. However as Policy 27 is an adopted Policy it is still possible to secure energy efficiency reduction as part of new residential schemes in the interests of minimising the environmental impact of the development.</p>															
11.	<p>Prior to the commencement of the development details shall be submitted to and approved in writing by the Local Planning Authority demonstrating that each dwelling will meet the required Dwelling Emission Rate. The development thereafter shall be completed in accordance with the approved details.</p> <p>Reason: Policy 27 of the Adopted Central Lancashire Core Strategy requires new dwellings to be built to Code for Sustainable Homes Level 4 however following the Deregulation Bill 2015 receiving Royal Assent it is no longer possible to set conditions with requirements above a Code Level 4 equivalent. However as Policy 27 is an adopted Policy it is still possible to secure energy efficiency reductions as part of new residential schemes in the interests of minimising the environmental impact of the development. This needs to be provided prior to the commencement so it can be assured that the design meets the required dwelling emission rate.</p>															
12.	<p>No dwelling hereby approved shall be occupied until a SAP assessment (Standard Assessment Procedure), or other alternative proof of compliance (which has been previously agreed in writing by the Local Planning Authority) such as an Energy Performance Certificate, has been submitted to and approved in writing by the Local Planning Authority demonstrating that the dwelling has achieved the required Dwelling Emission Rate.</p>															

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