

Item 3o **15/00656/FUL**

Case Officer **Nicola Hopkins**

Ward **Eccleston And Mawdesley**

Proposal **Erection of one detached dwellinghouse**

Location **Ricmarlo, Preston Nook, Eccleston**

Applicant **Mr Paul Thompson**

Consultation expiry: **6th August 2015**

Decision due by: **3rd September 2015**

Recommendation
Approve full planning permission

Representations

Eccleston Parish Council no comments received
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Consultees

Consultee	Summary of Comments received
United Utilities	No objection subject to conditions
LCC Highways	Originally raised some queries however following the receipt of an amended plan LCC Highways have no objection

Assessment

Proposed Development and Site

1. The site is located within a predominantly residential area on a cul-de-sac. The existing site is occupied by a detached two storey dwellinghouse which is currently being renovated and extended (permission 15/00523/FUL). The property is set within a large curtilage next to an extended area of non-garden land within the ownership of the applicant. Whilst it is noted that there is land outside the residential curtilage which forms a gap between Ricmarlo and the adjacent dwellings to the north west it is important to note that when viewed from the streetscene all of this land 'reads' as if it forms part of the curtilage of Ricmarlo.
2. The proposed development involves the erection of a detached dwellinghouse on land to the north west of the existing dwelling with direct access off Preston Nook.
3. Outline planning consent has previously been granted to erect 2 dwellings either side of the existing dwelling (14/00551/OUT) which involved reducing the size of the existing dwelling. The extensions to the dwelling which were recently given consent effectively mean that the approved dwelling between the existing dwelling and the neighbouring bungalow, Woodview, cannot be constructed. As such the proposed development results in a reduction of one approved dwelling on this site.
4. Outline consent has also been granted for three detached dwellings on the land to the rear of the existing and proposed dwellinghouse. This consent remains extant.

Principle of the Development

5. Outline planning permission has previously been granted on this site for a dwellinghouse and as such the principle is established.
6. The site is located within the settlement area of Ecclestone as identified within the Local Plan. The Local Plan identifies that development within settlement areas may be for an appropriate use such as housing, offices, community facilities or Green Infrastructure. This should be read in conjunction with other policies and proposals in the plan and with Core Strategy Policy 1: Locating Growth. Within Core Strategy Policy 1 Ecclestone is identified as a Rural Local Service Centre where limited growth and investment will be encouraged to help meet local housing and employment needs and to support the provision of services to the wider area.
7. The proposal involves redeveloping part of the existing residential curtilage and as such Policy HS3 of the Local Plan is applicable. Policy HS3 states:
Applications for development within private residential gardens on sites not allocated in the Housing Allocations Policy 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.
 - c) Infill development on gardens. Infill is the filling of a small gap in an otherwise built-up street frontage, e.g. 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.
When assessing applications for garden sites, the Council will also have regard to;
 - 1) Sustainability, such as access to public transport, schools, businesses and local services and facilities.

Proposals which significantly undermine amenity and harm the distinctive character of an area will be refused.

8. Policy HS1 of the Local Plan expressly states that development on private residential gardens is not required as a matter of principle. The preamble to Policy HS3 confirms that the Council will resist proposals for garden development considered to harm the character and local amenity and biodiversity balance of an area and the policy confirms that proposals which significantly undermine amenity and harm the distinctive character

of an area will be refused. As such development will only be considered to be acceptable in exceptional circumstances, subject to other material planning considerations.

9. There is no presumption in favour of developing this greenfield site (the National Planning Policy Framework excludes private residential garden curtilages in built up areas from the definition of previously developed land) as the Council has a deliverable five year housing supply including the additional buffer of 5%.
10. Whilst it is noted that there is land outside the residential curtilage which forms a gap between Ricmarlo and the adjacent dwellings to the north west it is important to note that when viewed from the streetscene all of this land 'reads' as if it forms part of the curtilage of Ricmarlo and as such effectively the proposed dwelling will result in an infill between Ricmarlo and the properties to the north west. Given the sustainable location of the site and its position in relation to other dwellings nearby it is considered that the proposal is consistent with the aims of the Framework and the thrust of policy HS3 and is acceptable in principle.

Levels

11. There are significant level changes adjacent to the site and the edge of the existing residential curtilage slopes down steeply to the adjacent land (with a level difference of approximately 5.5 metres from the bottom of the banking to the garden level). It is noted that there is inadequate level garden space between the existing dwelling and the adjacent land to accommodate the dwelling as proposed all at one level.
12. To address this, the house will be built up at one side creating a gable elevation down to the lower land level with steps at the front of the house and a ground floor terrace/ balcony area created at the rear of the dwelling.
13. The proposed finished floor level of the dwelling is approximately 0.43m lower than Ricmarlo and it is proposed to lower the existing land levels to create a tiered/ terraced rear garden on three different levels. The lowest level will be approximately 2m lower than the proposed dwelling. This terraced effect garden will be replicated at the rear of Ricmarlo (although this does not form part of this planning application).

Design and Appearance

14. The proposal involves the erection of a detached modern dwellinghouse. The ridge height of the proposed dwellinghouse is higher than Ricmarlo however it is noted that there is a mix of dwelling types, sizes and ages within the street scene and as such the erection of a modern detached two storey dwelling will not be out of character with the appearance of the area.

Impact on the neighbours

15. The immediate neighbours to the site are Twisted Chimney, 1 Ince Lane, Ince Cottage, 16 Enfield Close and 4a Preston Nook. The approved dwellings to the rear of the application site will also be neighbours.
16. Twisted Chimney is a large detached dwellinghouse which was granted planning permission in May 2000 and has a finished floor level of approximately 30.07. The dwelling is located to the west of the application site and the dwelling has a very similar suggested finished floor level (29.60) as the existing dwelling. Over 25 metres is maintained between Twisted Chimney and the proposed dwelling which is to be positioned at an angle to the neighbouring dwelling. As such no loss of amenity will be created in respect of either the existing or future residents.
17. 1 Ince Lane and Ince Cottage are a pair of semi-detached dwellings located to the north west of the application site. The finished floor level of these properties is approximately 30.84 which is approximately 1.2 metres higher than the finished floor level of the proposed dwelling. There is however an intervening parcel of land between the existing and proposed dwelling (where the access road is indicated for the adjacent planning

approval) and as such in excess of 17 metres separation distance is maintained. As such no loss of amenity will be created in respect of either the existing or future residents.

18. 16 Enfield Close is located close to north of the application site however as in excess of 25 metres is maintained between the proposed dwelling and the existing dwelling it is considered that there will be no loss of amenity for the occupiers of this dwelling.
19. The land to the rear of the site has planning permission for three detached dwellings (14/00550/OUT). Approved plot 3 borders this application site. However the proposed dwelling maintains over 27 metres to the rear boundary and does not allow any direct views of the proposed private garden area of plot 3.
20. 4a Preston Nook is a newly constructed detached two storey dwelling (08/01017/FUL) located on the opposite site of the highway to the application site. The proposed dwelling will face the front elevation of 4 Preston Nook however at an obscure angle. Over 24 metres is maintained between the proposed and existing dwelling and 4a Preston Nook has a finished floor level (31.15) which is approximately 1.1 metres higher than the finished floor level of proposed dwelling. Given the level change an additional 3 metres in excess of the Council's required 21 metres window to window distance is required which is achieved on this site.

Highways and Traffic

21. The Highway Engineer originally raised some concerns about the inclusion of highway land within the blue edge of the application site and queried whether there was sufficient parking space for the proposed 4 bedroom dwelling. The plans have been amended removing the highway land from the blue edge and the plans now detail that the driveway can adequately accommodate 3 vehicles noting that there is a garage also. As such the Highway Engineer has no objections to the proposals.

Trees

22. Within the vicinity of the site there is mature vegetation however this is mainly related to the adjacent piece of land. Although there are trees close to this application site they have been categorised as retention category C (which are trees of low quality with an estimated life expectancy of at least 10 years, or young trees with a stem diameter below 150mm) apart from one which is categorised as retention category U (which is trees of such a condition that they cannot be realistically retained as living trees in the context of the current land use for longer than 10 years).
23. The Council's Tree Officer has previously visited the site and a TPO has been placed on the trees which are worthy of retention. These trees are however located away from the application site and will not be affected by the proposals.
24. It is noted that there will be hedgerow removal to facilitate the proposal however the hedgerow has not been identified as being high quality and the landscaping scheme can secure an appropriate replacement boundary treatment to mitigate for the loss.

Open Space

25. The Open Space and Playing Pitch SPD was adopted for development control purposes at the Council meeting on 17th September 2013 and open space requirements relating to new housing schemes accord with Local Plan Policies HS4A and HS4B and the approach in the SPD.
26. However this development is for 1 new dwelling which is below the 10 unit threshold set out within the Framework. The floor area of the proposed dwelling is 212m² below the 1000m² threshold. 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.

Sustainable Resources

27. Policy 27 of the Core Strategy currently requires dwellinghouses to be built to meet Code for Sustainable Homes Level 4 which increases to Level 6 on 1st January 2016. However the 2015 Deregulation Bill received Royal Assent on Thursday 26th March 2015 which effectively removes Code for Sustainable Homes. The Bill does include transitional provisions which include:

“For the specific issue of energy performance, local planning authorities will continue to be able to set and apply policies in their Local Plans which require compliance with energy performance standards that exceed the energy requirements of Building Regulations until commencement of amendments to the Planning and Energy Act 2008 in the Deregulation Bill 2015. This is expected to happen alongside the introduction of zero carbon homes policy in late 2016. The government has stated that, from then, the energy performance requirements in Building Regulations will be set at a level equivalent to the (outgoing) Code for Sustainable Homes Level 4. Until the amendment is commenced, we would expect local planning authorities to take this statement of the government’s intention into account in applying existing policies and not set conditions with requirements above a Code Level 4 equivalent.”

“Where there is an existing plan policy which references the Code for Sustainable Homes, authorities may continue to apply a requirement for a water efficiency standard equivalent to the new national technical standard, or in the case of energy a standard consistent with the policy set out in the earlier paragraph in this statement, concerning energy performance.”

28. As such there will be a requirement for the dwelling to achieve a minimum Dwelling Emission Rate of 19% above 2013 Building Regulations in accordance with the above provisions.

Drainage

29. United Utilities have confirmed that a public sewer crosses this site and that they will not permit building over it. United Utilities will require an access strip width of six metres, three metres either side of the centre line of the sewer. Therefore a modification of the site layout, or a diversion of the affected public sewer at the applicant's expense, may be necessary.
30. It is understood that the sewer is sited away from this part of the site and in any case drainage can be fully dealt with by condition.

Community Infrastructure Levy

31. The Chorley CIL Infrastructure Charging Schedule provides a specific amount for housing - £65 per sq. m. The CIL Charging Schedule was adopted on 16 July 2013 and charging commenced on 1 September 2013.
32. The submitted CIL form confirms that 212m² of floorspace will be created (this is confirmed by the submitted proposed floor plans) which at a rate of £65.00 per m² (in accordance with the Adopted CIL Charging Schedule), would result in the development being CIL chargeable to an approximate value of £13,780. However it is noted that the applicants have submitted a self-build exemption form which may result in the CIL levy being zero.

Overall Conclusion

33. The proposal is considered to be acceptable in terms of planning policy and as such is recommended for approval.

Planning Policies

34. 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

Reference	Description	Decision	Date
14/00550/OUT	Outline application (all matters reserved) for the erection of up to three detached dwellings.	Approved	August 2014
14/00551/OUT	Outline application (all matters reserved) for the erection of 2 detached dwellings and the remodelling of the existing dwelling.	Approved	August 2014
15/00523/FUL	Erection of first floor side extension, single storey rear extension with balcony above and front porch	Approved	July 2015

Suggested Conditions

No.	Condition												
1.	<p>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</p>												
2.	<p>The development hereby permitted shall be carried out in accordance with the following approved plans:</p> <table border="1" data-bbox="320 501 1219 752"> <thead> <tr> <th data-bbox="320 501 592 530">Title</th> <th data-bbox="592 501 892 530">Drawing Reference</th> <th data-bbox="892 501 1219 530">Received date</th> </tr> </thead> <tbody> <tr> <td data-bbox="320 530 592 595">Proposed Site Sections</td> <td data-bbox="592 530 892 595">13/095/P15</td> <td data-bbox="892 530 1219 595">2nd July 2015</td> </tr> <tr> <td data-bbox="320 595 592 689">New Dwelling - Proposed Floor Plans & Elevations.</td> <td data-bbox="592 595 892 689">13/095/P16</td> <td data-bbox="892 595 1219 689">2nd July 2015</td> </tr> <tr> <td data-bbox="320 689 592 752">Proposed Site Layout</td> <td data-bbox="592 689 892 752">13/095/P17 Rev A</td> <td data-bbox="892 689 1219 752">23rd July 2015</td> </tr> </tbody> </table> <p>Reason: For the avoidance of doubt and in the interests of proper planning</p>	Title	Drawing Reference	Received date	Proposed Site Sections	13/095/P15	2nd July 2015	New Dwelling - Proposed Floor Plans & Elevations.	13/095/P16	2nd July 2015	Proposed Site Layout	13/095/P17 Rev A	23rd July 2015
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3.	<p>The development hereby permitted shall only be carried out in conformity with the proposed ground and building slab levels shown on the approved plans. Reason: To protect the appearance of the locality and in the interests of the amenities of local residents.</p>												
4.	<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 and the proposed finished levels. The scheme should aim to contribute to targets specified in the UK and Lancashire Biodiversity Action Plans. 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>												
5.	<p>The proposed measures given in section 5.2.1 of the ecological survey and assessment by ERAP Ltd (March 2014) for the avoidance of impacts on protected and priority species shall be implemented in full. In the event that great crested newt (or other protected species) is unexpectedly encountered before or during site clearance or development work, then work shall stop until specialist advice has been sought regarding the need for a licence from Natural England and/or the implementation of necessary mitigation measures. Reason: in the interests of the visual amenities of the site and to enhance the biodiversity value of the site.</p>												
6.	<p>Plants listed on Schedule 9 of the Wildlife and Countryside Act 1981 (as amended) which occur on the site shall be eradicated from the site and working methods shall be adopted to prevent their spread in accordance with Environment Agency guidance and codes of practice.</p>												

	Reason: In the interests of eradicating and ensuring that Invasive & Injurious Weeds are permanently removed from the site
7.	All trees being retained in or adjacent to the application area will be adequately protected during construction, in accordance with existing guidelines (e.g. BS5837:2012 Trees in relation to design, demolition and construction - Recommendations). Reason: In the interests of ensuring the continued protection of the trees on the site.
8.	External lighting associated with the development shall be minimal, designed to avoid excessive light spill and shall not illuminate potential bat habitat (e.g. hedgerow, trees) and or/ bird breeding places. The principles of relevant guidance should be followed (e.g. the Bat Conservation Trust and Institution of Lighting Engineers guidance Bats and Lighting in the UK, 2009). Reason: In the interests of maintaining a favourable conservation status of bats on the site.
9.	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. Permeable materials shall be maintained in perpetuity thereafter. 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
10.	Prior to the commencement of the development, due to the sensitive end-use of the development (residential housing with gardens), a report to identify any potential sources of contamination on the site and where appropriate, necessary remediation measures, shall be submitted to and approved in writing by the Local Planning Authority. The report should include an initial desk study, site walkover and preliminary risk assessment. 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: It is the applicant's responsibility to properly address any land contamination issues, to ensure the site is suitable for the proposed end-use, in accordance with Paragraph 121 of the National Planning Policy Framework (DCLG, 2012).
11.	All new dwellings are required to achieve a minimum Dwelling Emission Rate of 19% above 2013 Building Regulations. 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.
12.	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. 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

	<p>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>
13.	<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> <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.</p>
14.	<p>Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (Schedule 2, Part 1, Classes A, B, C, D, E) or any subsequent re-enactment thereof no extension to the dwelling, porch, garden shed, greenhouse, garage or car port shall be erected nor any hardstanding area extended other than those expressly authorised by this permission.</p> <p>Reason: In the interests of neighbour amenity.</p>
15.	<p>Surface water must drain separate from the foul and no surface water will be permitted to discharge to the foul sewerage system.</p> <p>Reason: To secure proper drainage</p>
16.	<p>Surface water must drain separate from the foul and no surface water will be permitted to discharge to the foul sewerage system.</p> <p>Reason: To secure proper drainage</p>
17.	<p>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 plans) 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.</p> <p>Reason: Full details of the proposed fences/walls were not provided as part of the application and in order to ensure a visually satisfactory form of development and to provide reasonable standards of privacy to residents the details are required.</p>
18.	<p>Notwithstanding any indication on the approved plans, 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 foul or combined public sewerage systems. Any surface water draining to the public surface water sewer must be restricted to a maximum pass forward flow of 5 l/s. 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>

