

**Item B. 8**                      **07/00499/OUT**                      **Outline App Permitted with Legal Agmnt**

**Case Officer**                      **Mr Andy Wiggett**

**Ward**                                      **Heath Charnock And Rivington**

**Proposal**                              **Outline application for the erection of one bungalow**

**Location**                              **Land 20m North East Of 35 - 37 Chorley Road Heath Charnock Lancashire**

**Applicant**                              **Mrs Davis**

**Proposal**                              The application relates to a piece of backland off the main A673 Chorley Road. It is currently used for car parking and a garage. The land is approached up a narrow access track which functions as a bridleway although not recorded as such on the definitive map. The site is enclosed by housing, that to the rear on Waterford Close is at a higher level whilst the land itself rises from Chorley Road. The application indicates the siting of a bungalow with its access and all other matters being reserved.

**Policy**                                      In the Local Plan the following policies: GN5 - Building Design, HS4 – Design and Layout of Residential Developments, HS6 – Housing Windfall Sites and TR4 – Highway Development Control Criteria.

**Planning History**                      In March this year planning permission was refused for an outline application for two semi-detached dwellings on the site. The reasons were, highway safety connected with the access out onto Chorley Road and a cramped form of development which would affect the amenity of surrounding houses.

**Consultations**                              The Parish Council consider that the application should be refused along the lines of the previous application due to the detrimental effect on highway safety and the conflict with the bridleway. Lancashire County Council Highways – as there is an existing vehicular access at this point, we have no comment or observation. The definitive map records the bridleway as terminating 25m to the north west of the A673. It is probable that a right of way exists over the 25m which is not shown on the map. The applicant needs to be made aware of their obligations with regard to this in terms of avoiding obstruction, the need for permission to divert it or change the surface of it. Ramblers Association – provided provision is made for the retention of the footpath, no objections.

**Representations**                      One letter of objection has been received from a neighbour

- The erection of a bungalow would have a significant impact on my property
- The applicant states that she owns the land needed to access the land. Cannot see how the bridleway can be used as access to the site.
- Where will the cars currently parked on the land go to if the site is developed? Cars from Chorley Road currently park

at the end of Waterford Close which cannot accommodate any more vehicles.

## **Applicants Case**

- Layout determined by need to achieve minimum space requirements between new and existing buildings and the aspect from habitable rooms.
- The scale is consistent with a small residential unit and fits comfortably with its surroundings.
- The existing access into the site is utilised. There is safe access onto the mini roundabout. The private drive may be hard paved but dealt with at the reserved matter stage.
- Pedestrians will share the private driveway into the housing site or continue up the public footpath.

## **Assessment**

The main issues to consider are: impact on the amenity of adjoining houses and access arrangements. Each is dealt with in turn.

### *Impact on the Amenity of Adjoining Houses*

To the north east the site is screened by a 2m high fence. The closest distance to the property on Waterford Close from the footprint of the bungalow shown is 11.5m, which together with the fence, is considered a satisfactory distance to preserve amenity. The distance to no.35 Chorley Road is 12m and no.37 is 9.8m. It will be necessary, however, when considering the reserved matters to ensure that habitable room windows are only located on the north west and south east elevations. Fencing or walling along the boundary with no.35 Chorley Road should prevent overlooking of the garden.

The bungalow is shown as having a hipped roof which should assist in reducing any impression of overdominance over the property on Chorley Road. This aspect will need to be conditioned as the applicant has reserved the design of the dwelling.

### *Access arrangements*

The County Highway Authority were concerned with regard to the previous application on the site that the point of access was completely unsuitable and would need changes to the mini roundabout. However, they have changed their view following the reduction to one dwelling and the fact that the site is currently used for car parking. There will, in effect, be an exchange in vehicle movements from the parked cars not associated with the site to cars associated with the bungalow.

There were also concerns about extra vehicles on the bridleway but this may not now be the situation although the applicant will have to liaise with the Public Rights of Way Officer regarding any changes contemplated. Vehicles using the bridleway will be in no different situation from shared surfaces found elsewhere in housing layouts.

## **Conclusion**

By reducing the number of dwellings and proposing a bungalow the applicant has been able to demonstrate a means of overcoming the Local Planning Authority's previous objections.

The County Highway Authority have changed their advice and are now advising that the proposal would be acceptable from a highway point of view. The principle of allowing the land to be developed for a bungalow positioned as indicated in the application is now acceptable but a Section 106 agreement will be required as a contribution to open space provision.

**Recommendation: Outline App Permitted with Legal Agmnt  
Conditions**

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

*Reason: Required to be imposed by Section 92 of the Town and Country Planning Act 1990.*

2. Before the development hereby permitted is first commenced, full details of the following reserved matters, design, external appearance and landscaping shall be submitted to and approved in writing by the Local Planning Authority.

*Reason: The permission is in outline only and in accordance with Policy Nos. GN5 and HS4 of the Adopted Chorley Borough Local Plan Review.*

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