

Item 3a **15/01185/FUL**

Case Officer **Caron Taylor**

Ward **Pennine**

Proposal **Proposed erection of two new dwelling houses on land between 1A and 3 Dark Lane**

Location **Waterstone House
1A Dark Lane
Whittle-Le-Woods
Chorley
PR6 8AE**

Applicant **SDA Architecture Ltd**

Consultation expiry: **31st December 2015**

Decision due by: **27th January 2016**

Recommendation

It is recommended that the application is approved.

Members will recall this application was deferred at the committee on 15th March to allow Members to undertake a site visit.

This report has been updated with the items that were on the previous committee addendum.

Representations

Whittle-le-Woods Parish Council state they have concern only regarding appropriate neighbour consultation.	
In total 22 representations have been received which are summarised below	
Objection	Support
Total No. received: 11 (8 to the initial consultation and a further 3 following notification on amended plans):	Total No. received: 11 (9 to the initial consultation and a further 2 following notification on amended plans):
<ul style="list-style-type: none"> • The land is in the Green Belt; • The appeal inspector only suggested a single dwelling would be possible; • The scale of the houses and their impact on loss of light should be considered • Loss of light and negative impact on living conditions to the side windows of nos. 1A and 3 Dark; • Loss of light and heat afforded by the sun to no. 3 Dark Lane, both to house, garden and greenhouse; • By virtue of the proximity to neighbouring properties, the proposal generates a harmful impact on residential amenity; • It represents a gross over-development of the land which fails to maintain the established building line 	<ul style="list-style-type: none"> • The designs put forward are excellent; • Unique homes such as this add to the experience for canal users as the existing properties on Dark Lane currently do; • The proposal is actually much more in character with the other properties than the proposal for one property was; • They are very in keeping and the application shows how the designs have evolved from existing characteristics of the canal homes along Dark Lane. They have different levels as do the other houses; • The site is currently overgrown, untidy and detracts from the

<p>along Dark Lane and is cramped in appearance;</p> <ul style="list-style-type: none"> • The proposal does not comply with Core Strategy policy 5, Local Plan policies HS7 and BNE1 and the separation distances in the Council's Design SPG and the NPPF; • Views across it will disappear; • It will block natural light to houses opposite and cast a shadow; • The land is a break in the run of houses along Dark Lane and gives a feeling of openness; • Noise and general disturbance of construction; • There is a streetlight at the entrance to the proposed properties which may need to be removed and therefore cease to illuminate the bend which may cause an accident; • One dwelling allowed on appeal was more in keeping with Dark Lane and had less impact on the immediate houses at nos. 1a and 3, which were built with habitable rooms overlooking the land; • The proposed houses are close to the boundary with no. 3 and closer to the road than the other houses on Dark Lane; • The development could cause hazards to pedestrian, cyclists and traffic; • Loss of roadside parking causing further hazards; • There is considerable flooding at the proposed entrances to the driveways when there is heavy rain which causes a hazard for traffic and residents; • The amendments do nothing to counteract their objections. 	<p>enjoyment of the canal. The new from the towpath is blighted by the land;</p> <ul style="list-style-type: none"> • The land is currently not being used or enjoyed by anyone. It is not open for public use; • The proposal is much improved from the existing planning consent for one dwelling which is not in keeping; • The proposal will address the flooding issues; • The proposal is for two properties. Given the size of the other plots on the canal side of Dark Lane, the proposal is entirely consistent with the existing development; • The proposed properties meet the separation distances and ensure neighbours can enjoy views and privacy; • Photographs are enclosed showing windows in some of the existing properties overlooking each other but with sensitive fencing and planting there is a high degree of privacy; • It will result in a long needed and sensitive completion of the site;
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Consultees

Consultee	Summary of Comments received
The Canal and River Trust	Have no objections subject to conditions.
The Coal Authority	Standing advice
LCC Highways	State the proposal is acceptable from a highways perspective. They ask for conditions and an advice note be attached to any permission.
Planning Policy on Public Open Space	<u>Amenity Greenspace</u> There is an area of amenity greenspace within the accessibility catchment that is identified as being low quality in the Open Space Study (site 1428 – Orchard Drive Play Area, Whittle-le-Woods). A contribution towards improvements to this site is therefore required from this development of £140 per dwelling.

	<p><u>Playing Pitches</u> 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 per dwelling.</p> <p>The total financial contribution required is therefore £3,478.</p>
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Assessment

Background information and planning history of the site

1. The application site was created when the dwellings either side were built, leaving the site as currently exists. The existing houses erected on the canal side to the north and south of the site were permitted under two permissions: 91/00119/OUT (to the north) and 92/00772/FUL (to the south). These sites were previously in industrial use and at the time of the permissions it was considered that the planning gain of removing industrial uses and buildings outweighed the presumption against new residential development in the Green Belt. The application site had been an open section of land when the rest of the site was in industrial use and the Council sought to ensure this would remain when the residential properties were built.
2. The Local Planning Authority refused applications for a dwelling in 2001 (ref: 01/00433/FUL) and change of use of part of the land to domestic curtilage (ref: 01/00530/COU). Appeals made against these refusals were dismissed. The appeal Inspector in 2001 stated that the land had not been previously developed and forms the major part of a considerable and significant gap in the Dark Land streetscene. In addition, it does not constitute a substantial group of houses with a continuous road frontage, so would not constitute an infill plot in the Green Belt and therefore it was inappropriate development. The Inspector also stated that there are views from Dark Lane across the appeal site to the west and the site also provides visual relief from the built up nature of the residential development to the north and south and from the east. They therefore concluded that the proposal would also harm the openness of the Green Belt so would be contrary to policy.
3. In 2013 an application was made for the erection of a single dwelling and change of use of the strip of land to the north of 1A Dark Lane as additional residential curtilage for the existing property (ref: 13/00489/FUL). The Council refused the application on two grounds. The first was that the proposal would have an unacceptable relationship with no. 3 Dark Lane in that the windows in this property would result in overlooking to the rear garden of the proposed property. The second was that the site was not in a substantial built up frontage and therefore was not an infill plot in the Green Belt and therefore inappropriate development.
4. An appeal was made against this refusal and was dismissed on 10th March 2014. Although it was dismissed, the Inspector noted that since the appeal was refused in 2001 both national and local policies had changed and that the site would now meet the policy definition of infilling in a village. It would not therefore be inappropriate development in the Green Belt as set out in the National Planning Policy Framework (the Framework) and policy HS7 of the emerging Local Plan 2012-2026 that covers rural infilling.
5. The Inspector dismissed the appeal on the grounds of overlooking from the existing property at no. 3 Dark Lane into the small garden and decking of the proposed property and overlooking from no. 1a Dark Lane into the side garden because such a relationship would significantly prejudice the living conditions of residents of the new house with regard to privacy.
6. Following the acceptability of the principle of a dwelling on the site being established by the appeal decision, permission was granted for a single dwelling under permission ref: 14/00966/FUL that overcame the overlooking issues.

Principle of the development

7. The previous permission on the site was for one dwelling. The current application is for two. The acceptability of the principle of the development in terms of the site being an infill plot in a village under the provisions of the Framework has already been established by the appeal decision in March 2014.

8. Policy HS7 of the Local Plan 2012-2026 covers Rural Infilling. It states:

Within smaller villages limited infilling for housing will be permitted providing the applicant can demonstrate that the following criteria are met:

a) The existing buildings form a clearly identifiable built-up frontage;

b) The site lies within the frontage, with buildings on either side, and its development does not extend the frontage;

c) The proposal would complement the character and setting of the existing buildings.

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 rural infill sites, the Council will also have regard to site sustainability, including access to public transport, schools, businesses and local services and facilities.

9. The policy definition of an infill plot includes sites that could be filled by one or possibly two houses and therefore the addition of another property on the site is considered acceptable in principle subject to the properties being a type in keeping with the character of the street frontage which will be assessed below.

Design and Layout

10. The scheme as originally submitted was considered to be unacceptable because of the impact on the neighbouring properties. In response to the concerns raised by the case officer the applicant's architect revised the scheme.

11. The site slopes down from east to west from Dark Lane to the canal. The adjacent properties have been built to take advantage of the change in levels on the west side of Dark Lane with terraces and split level dwellings. The various split levels, styles, and designs result in a positive interesting character when the properties are viewed from the canal tow path. The differences in the designs are successfully drawn together by the properties being constructed of stone.

12. In terms of layout two properties on the site will result in each of them having a similar sized plot to the existing properties on the west side of Dark Lane, so it not considered that from Dark Lane the properties will appear cramped. Several of the existing properties, notably number 3 and The Maltings fill a very large proportion of their plots and are positioned close together, so it is not considered the proposal will appear as overdevelopment of the site. The proposal is considered to be at a density in keeping with the local area in terms of policy 5 of the Core Strategy. The other aspects of this policy are considered as part of the rest of this report.

13. The proposed properties on the site also take advantage of the change in levels between Dark Lane and the canal being two-storey at the front and three-storey at the rear (with room in the roof also used for accommodation). The lower floor is a large drive-in garage accessed from the side driveway towards the rear of each property. The garaging is therefore underneath the property and allows a raised garden to be created above it overlooking the canal.

14. Both the proposed properties are sited close to the road frontage of Dark Lane, however this layout is considered acceptable. As stated above, the existing properties on the west side of Dark Lane are all different in their design, this includes the way they are laid out on the site and the amount they are set back from the road. Several of the properties have single storey elements close to the pavement of Dark Lane. Although the two-storey elements of both properties will be nearer to Dark Lane than the other properties it is considered that because the designs and layout of the properties along the road vary so much, the positions of the properties would not be viewed as out of character in the streetscene. The agent has undertaken a street scene assessment of

the existing properties on Dark Lane from the front and rear showing the variation of designs and layout from both Dark Lane and the canal.

15. From the front, plot 1 is viewed as two-storey and has a single storey part flat/part pitched roof entrance porch. The roof ridge is the same height as 1a Dark Lane, the property immediately adjacent to the south. The proposed property has a small cantilever gable at first floor (with driveway below). As the land drops away to the canal, the rear of the property is equivalent to three-storey as it allows a lower ground floor to be created. There is also accommodation in the roof served by rooflights. This will form a large undercroft garage to serve the property accessed down a single driveway to the side. The living accommodation will be at ground and first floor levels (when viewed from Dark Lane) with a garden created on top of undercroft garage with a stone wall/safety screen to the canal. A single storey element will project from the ground floor rear of the house with a mono-pitched roof, which will be viewed as being at first floor from the canal.
16. Plot 2 is also viewed as two-storey from the front and three-storey from the rear, again with undercroft parking accessed by a single side driveway with a garden on top and a stone wall/safety screen to the canal. A single storey element will also project from the ground floor rear of the property, which will partly have a mono-pitched roof and partly a flat roof, which will be viewed as being at first floor from the canal. This property will also have a patio area at lower ground floor level adjacent to the canal in the corner of the plot nearest to no. 3 Dark Lane. The north side of this property has a lower ridge height that matches the height of no. 3 Dark Lane, the existing property immediately adjacent. It has a dual-pitched single storey entrance porch to the front.
17. The design of the front elevations of the existing properties is relatively traditional when viewed from Dark Lane apart from Cuckoo Lodge, the most southerly of the properties, which due to its design being stepped results in a prominent view of a mono-pitched roof from Dark Lane and The Maltings that has a more striking triangular dormer window on the front. The proposed properties are also largely traditional in their design from the front, replicating many of the design features used in the existing properties such as single storey elements side on to the road, varying roof levels and a round feature window.
18. To the rear the design of the properties will be less traditional, plot 1 having a raised patio garden and plot 2 having a part raised patio area and also a lower patio at canal level. Both properties will have single storey elements projecting from the rear at the equivalent of first floor level with mono-pitched roof, a reflection of the roof design of Cuckoo Lodge.
19. It is considered the various levels and roof profiles of the proposed properties will ensure they will blend with the varying designs of the existing properties drawn together by the materials used.
20. The properties will be constructed of random natural stone with a natural slate roof as per the other properties on the canal side of Dark Lane, apart from the single storey elements on the rear of the properties. These will be faced in natural random slate. It is understandable that the architect wishes to use a different material on these elements. Although most of the other properties backing onto the canal do not have elements faced in slate, the top of the mono-pitch gable of Cuckoo Lodge is white rendered. It is considered that natural slate is preferable to a rendered finish as it will give a softer, more natural appearance and blend with the other properties better as many of them have large areas of slate roof facing the canal. The windows of the properties will be aluminium in quartz grey. Although the other properties mainly use brown wood windows and doors, the proposed aluminium will ensure that the thickness of the frames is reduced, and dark grey works well against stone properties. It is not considered that the Council could reasonably control the window colour once the properties were built anyway as residents may change the windows and doors in their properties as they wish.
21. In terms of outside space, the existing properties are largely hard landscaped with off-street parking to the front and patios at various levels to the rear. Although the proposed properties will have a lawned area to the rear this will effectively be at first floor level as it will be on top of the garage space so will largely be viewed as a raised patio area from the canal tow path. Property 2 also has a lower patio at canal level as per most of the existing properties.

22. The front boundaries of the existing properties are mainly characterised by stone walls, although some are open with the garage gable wall forming the boundary with planting in front. The heights and design of these varies between the properties, some with taller stone gate pillars. The proposed properties will have a similar random natural stone wall to the front to be in-keeping with the others in the street with higher gateposts similar to number 17 Dark Lane. There will be galvanised wires between the stone pillars with climber plants growing up to the front of each property.
23. The properties have been designed to take account of the setting and immediate surrounding properties and their design and layout is considered acceptable in terms of policies HS7 and BNE1 of the Local Plan.

Impact on the neighbours

24. One of the main issues to consider with the application is the impact of the proposal on neighbouring properties, and also whether the relationship of the existing properties to the proposed dwelling allows a reasonable level of amenity for any future occupiers of the proposed properties.
25. The Inspector who dealt with the appeal in March 2014 dismissed the previous proposal on the grounds of overlooking from the existing property at no. 3 Dark Lane into the small garden and decking of the proposed property and overlooking from no. 1a Dark Lane into its side garden. They considered this would significantly prejudice the living conditions of residents of the new house with regard to privacy.
26. The layout of the properties and the nature of the land dropping away to the canal means that the relationships between the existing properties on the canal side of Dark Lane are not traditional. Views are afforded into private areas both from other properties and from the canal tow path on the other side of the canal.
27. The properties will be sited between numbers 1a and 3 Dark Lane.
28. Plot 1 will be sited next to no. 1a Dark Lane. The proposed property has been designed so that the two storey element sits further forward on its plot than no. 1a does. This existing property has a number of windows in its side elevation that will face towards the proposed property. Nearest to the canal there are two windows at a low level that are secondary windows to a lounge that has a large main window facing the canal. Towards the middle of the property is a kitchen window, though this room also has patio doors overlooking the canal. Due to the level changes on the site this window is higher than ground floor and will face towards the mono-pitched roof of the single storey rear projection on plot 1. As the line of sight from this window is towards the top of the roof (there will be approximately 12m between the window and the top of the roof) and the roof hips away from this window the relationship is considered acceptable.
29. There are two other windows in the side elevation of no. 1a nearer to the front of the property serving bedrooms. There will be approximately 5.7m between these windows and the first floor cantilever gable on the side of plot 1. The higher of these windows will however look onto the top of the apex of this gable and there is then approximately 7.2m to the main side wall of the house. The lower window is at the equivalent of ground floor level so there is also approximately 7.2m to the side wall of plot 1. Although this is less than the Council's interface guideline of 12m to a two-storey blank wall, it should be noted that the windows will look towards the southwest corner of plot 1 and also partly onto the single storey element of plot 1, rather than facing a continuous unbroken wall when looking out of the windows in no. 1a. A shadowing and sun path assessment has been submitted with the application showing the impact the proposal would have in terms of shadowing to nos. 1a and 3 Dark Lane at different times of the day at different times of the year. As no. 1a is due south of plot 1 it will not be directly shadowed by plot 1 at any time or day or time of year. The relationship between these properties is therefore considered acceptable.
30. Plot 2 will be sited next to no. 3 Dark Lane. This property has a number of windows that serve habitable rooms in its south elevation which will face the side of plot 2. At ground floor there is a conservatory along with a utility room window and at first floor there are two bedroom windows

and a bathroom window. Due to the level differences the conservatory is at the equivalent of first floor level – the same level as the single storey element on the rear of plot 2. Therefore although there will only be approximately 3.8m between the conservatory and the side of the single storey element on plot 2 (and 2.4m between the conservatory and the boundary planting), due to the levels of the existing and proposed properties these two elements are at the same level. Originally the plans showed the patio in front of the single-storey element on plot 2 to be at the same level, however amended plans have been received reducing the level of this patio to the same level as the canal. This reduces the impact on the southwest elevation of the conservatory and allows it to maintain some views over the canal across the application site.

31. No. 3 Dark Lane is due north of the proposed property on plot 2 so will be more affected by shadowing, particularly the conservatory being the closest part. The conservatory and part of the side gable of no. 3 will be most affected in the winter months when the sun is lower in the sky. The main shadowing impact will be in the morning when the sun will be behind the two-storey element of the proposed property but the impact will reduce into the afternoon as the sun moves round behind the single storey rear projection on plot 2. During the spring (and therefore also autumn months), the shadowing assessment shows less impact on the conservatory and hardly any impact on the side elevation of no. 3. When the sun is at its highest point in its path across the sky in the height of summer there is no shadowing to no. 3 or its conservatory.
32. Although the proposed dwelling on plot 2 will have some impact on the conservatory and side windows of no. 3a Dark Lane, taking this impact as a whole, on balance it is considered acceptable.
33. In terms of the privacy of the owners of the proposed properties the design of both of the properties incorporates a single storey mono-pitched element projecting for the rear of both of the properties. This design solution allows the properties to benefit from an area of private rear garden due to the height of the mono-pitched roofs preventing direct views into it from neighbouring windows (one of the reasons the appeal for one dwelling on the site was dismissed was because of overlooking from neighbouring windows would have prejudiced the living conditions of the residents of the new house with regard to privacy). The raised gardens of plots 1 and 2 will be separated by a lower driveway and will be screened by planting between them as they will be at the same level. Although there will be views into some parts of the outside space between the existing and proposed properties this is a relationship common with all the properties backing onto this stretch of the canal as the rear outside space of all the properties is open to the canal and allows both passing boats and users of the canal tow path opposite open views into the rear amenity space. The rear gardens of the properties along the canal are not therefore traditional in their relationships with one another and are not mainly private spaces that would ordinarily be found to the rear of a property. The relationship between the rear outside spaces of the existing and proposed properties are therefore considered acceptable.
34. The comments made regarding loss of light and casting a shadow over the properties that face the site opposite are noted, however given the width of Dark Lane it is not considered that the proposed properties will have an unacceptable impact in this respect.
35. In terms of the relationship between the facing properties, the properties opposite the site are 6-12 Dark Lane. Numbers 6 and 8 are a pair of semi-detached bungalows, no. 8 having a first floor dormer extension. These bungalows are elevated above Dark Lane so the ground floor windows are approximately at the equivalent of first floor level. No. 6 faces onto the existing property 1a Dark Lane. No. 8 will face partly towards the property on plot 1.
36. Numbers 10 and 12 are three storey properties (the top floor windows being set in the eaves line). No. 10 has a balcony at first floor looking across the application site to the canal. These properties will lose the majority of their views of the canal, however the planning system cannot protect private views so this would not be a reason for refusal of the application. The existing balcony on no. 10 would however retain some restricted views between the two proposed properties, towards the canal.
37. The front windows in no. 10 at first floor level will look towards the front elevation of plot 1 while some of the windows in no. 12 will face towards plot 2.

38. Originally the first floor windows in the proposed properties were to serve a mixture of habitable and non-habitable rooms (bedrooms, bathrooms, dressing rooms and studies). The architect has amended the internal layout of the properties prior to committee so that the first floor front windows now only serve a landing/corridor or bathrooms. These are not habitable rooms and therefore the interface distances with the properties opposite do not need to be applied. The habitable rooms of the proposed properties at first floor will be in their rear elevations overlooking the canal and the fields beyond. The relationship with the properties opposite is therefore considered acceptable.
39. There are no properties on the other side of the canal.

Trees, landscape and Ecology

40. The site has become overgrown, but it is not considered there are any trees on the site that would warrant a Tree Preservation Order.
41. The site is largely covered in areas of nettles. The Natural England Standing Advice has been used to assess the application and it is not considered that the site has features listed in their Decision Tree. The standing advice therefore recommends an informative note be attached on what to do if protected species are found during development.

Flood Risk and Drainage

42. The site is not within Flood Zone 2 or 3 as identified by the Environment Agency and is not more than 1 hectare in size, therefore a Flood Risk Assessment is not required. Comments have been made about Dark Lane flooding at the application site. The application proposes new storm drains to be installed under the proposed driveways to allow water to flow from Dark Lane into the drains and then be directed into the canal therefore it is considered the proposed properties will improve the drainage to Dark Lane. It is considered that acceptable foul and surface water drainage schemes can be achieved on the site and can be controlled by condition.

Traffic and Transport

43. Two new driveway openings and pedestrian gates would be created in the existing stone wall fronting the site and the existing opening in the wall closed up. Dark Lane is relatively straight outside the site and all the surrounding properties have driveways onto it. It is not considered that two additional driveways will result in highway safety hazards.
44. The proposal shows parking for at least three vehicles to be provided on the driveways of the properties or in the undercroft garaging. The proposed parking provision is therefore acceptable in accordance with policy ST4 of the Local Plan.
45. There is a lamp post outside the property that would have required moving as part of previous schemes proposed. The current scheme shows this to be retained in its current position.

Sustainable Resources

46. The Ministerial Statement on the 25th March 2015 announced that the Code for Sustainable Homes had been withdrawn, however, it also sets out transitional arrangements which includes local planning authorities being able to continue to set and apply policies in their Local Plans which require compliance with energy performance standards that exceed the energy requirements of Building Regulations (but not above a Code Level 4 equivalent) until commencement of amendments to the Planning and Energy Act 2008. Compliance with the Code can therefore no longer be required however in accordance with the transitional arrangements the Council will still require an energy efficiency standard equivalent to Code Level 4 which is a 19% improvement over 2013 Building Regulations. This can be secured by conditions.

Public Open Space

47. There is justification for a financial contribution towards public open space under policies HS4A and HS4B and the Open Space and Playing Pitch Supplementary Planning Document of £3,478.

48. The applicant has indicated they are willing to make a direct payment of this amount should the application be approved prior to a decision notice being issued. There would therefore not be a requirement for a legal agreement or planning condition to secure this.

Community Infrastructure Levy

49. The Chorley CIL Infrastructure Charging Schedule provides a specific amount for development. The CIL Charging Schedule was adopted on 16 July 2013 and charging commenced on 1 September 2013. The proposed development will be chargeable development (unless an exemption could be applied for) and the charge is subject to indexation in accordance with the Council's Charging Schedule.

Other issues

50. The area is not designated as an 'amenity area' in the Local Plan. Looking at the history of the site it appears the land was not developed at the same time as the other houses backing onto the canal as it was undeveloped when the previous industrial use was on the site and the re-development with houses retained it as such. However, an appeal Inspector has found the site to be an infill plot in the Green Belt under current planning policy.
51. The noise and disturbance caused by construction of the properties would only be temporary and cannot be a reason for refusal. If this did become a statutory nuisance there are powers available under Environmental Health legislation.
52. It is noted that the Canal & River Trust would like to see the chain and bollards removed from along the proposed canal side ledge as they consider that this could encourage illegal mooring at this location. It is not considered that this is an unacceptable design detail for the scheme and boats could still moor illegally if another boundary design was used. It is not therefore considered a matter that the Council can police through the design of the properties. There is a condition requiring details of fences walls and gates to be submitted for approval, so the final details may change from that shown on the current plans.

Overall Conclusion

53. The proposal is considered to be in keeping with the density of the other properties on Dark Lane that back onto the canal. The existing properties on Dark Lane are individually designed properties and that create a high quality frontage to both Dark Lane and the canal. It is considered the design of the proposed properties have been carefully considered to add to the unique character of the immediate area.
54. It is considered the scheme complies with policy 5 of the Core Strategy and is in accordance with policy HS7 of the Local Plan. The scheme has been individually designed for the plots, and although it will have some impact on nos. 1a and 3 Dark Lane on either side, on balance, it is considered acceptable and in accordance with policy BNE1 of the Local Plan.
55. The application is recommended for approval subject to conditions and the financial contribution towards public open space.

Planning Policies

56. 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
91/00119/OUT	Outline application for the erection of seven dwellings	Permitted	21 May 1991
92/00772/FUL	Erection of two detached	Permitted	30 March 1993

	dwelling		
01/00433/FUL	Erection of one dwelling	Refused	28 November 2001
01/00530/COU	Extension of garden area	Refused	28 November 2001
13/00489/FUL	Proposed erection of single dwelling and change of use of strip of land to the north of 1A Dark Lane as additional residential curtilage for existing property.	Refused Appeal dismissed	13 September 2013
14/00966/FUL	Proposed erection of single dwelling and change of use of strip of land to the north of 1A Dark Lane as additional residential curtilage for existing property (resubmission of previously refused application ref: 13/00489/FUL).	Permitted	4 th December 2014

Suggested Conditions

No.	Condition																														
1.	The proposed development must be begun not later than three years from the date of this permission. <i>Reason: Required to be imposed by Section 51 of the Planning and Compulsory Purchase Act 2004.</i>																														
2.	The development hereby permitted shall be carried out in accordance with the following approved plans: <table border="1" data-bbox="320 1088 1305 1778"> <thead> <tr> <th>Title</th> <th>Drawing Reference</th> <th>Received date</th> </tr> </thead> <tbody> <tr> <td>Site Plan as Existing</td> <td>0235 (A)4-01-PP</td> <td>2nd December 2015</td> </tr> <tr> <td>Site Plan as Proposed</td> <td>0235 (A)4-02-PP Rev A</td> <td>29th January 2016</td> </tr> <tr> <td>Floor Plans, Front & Rear Elevations as Proposed Plot 1 Waterside House</td> <td>0235(A)1-02-PP Rev A</td> <td>7th March 2016</td> </tr> <tr> <td>Floor Plans, Front & Rear Elevations as Proposed Plot 2 Springwater House</td> <td>0234 (A)1-06-PP Rev B</td> <td>7th March 2016</td> </tr> <tr> <td>Site Sections as Proposed Plots 1 & 2</td> <td>0235 (A)1-04-PP Rev A</td> <td>29th January 2016</td> </tr> <tr> <td>Floor Plans as Proposed Plot 1 Springwater House</td> <td>0235 (A)1-05-PP Rev A</td> <td>28th January 2016</td> </tr> <tr> <td>Side Elevations as Proposed Plot 2 Springwater House</td> <td>0235 (A)1-07-PP Rev A</td> <td>28th January 2016</td> </tr> <tr> <td>Floor Plans as Proposed Plot 1 Waterside House</td> <td>0235 (A)1-01-PP Rev A</td> <td>28th January 2016</td> </tr> <tr> <td>Side Elevations as Proposed Plot 1 Waterside House</td> <td>0235 (A)1-03-PP Rev A</td> <td>28th January 2016</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	Site Plan as Existing	0235 (A)4-01-PP	2 nd December 2015	Site Plan as Proposed	0235 (A)4-02-PP Rev A	29 th January 2016	Floor Plans, Front & Rear Elevations as Proposed Plot 1 Waterside House	0235(A)1-02-PP Rev A	7 th March 2016	Floor Plans, Front & Rear Elevations as Proposed Plot 2 Springwater House	0234 (A)1-06-PP Rev B	7 th March 2016	Site Sections as Proposed Plots 1 & 2	0235 (A)1-04-PP Rev A	29 th January 2016	Floor Plans as Proposed Plot 1 Springwater House	0235 (A)1-05-PP Rev A	28 th January 2016	Side Elevations as Proposed Plot 2 Springwater House	0235 (A)1-07-PP Rev A	28 th January 2016	Floor Plans as Proposed Plot 1 Waterside House	0235 (A)1-01-PP Rev A	28 th January 2016	Side Elevations as Proposed Plot 1 Waterside House	0235 (A)1-03-PP Rev A	28 th January 2016
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3.	Prior to the construction of either plot samples of all external facing and roofing materials for that plot (including the type, coursing and jointing of the natural stone to be used in the construction of the external faces of the dwelling), notwithstanding any details shown on previously submitted plan(s) and specification, shall be submitted to and approved in writing by the Local Planning Authority. All works to that plot shall be undertaken strictly in accordance with the																														

	<p>details as approved.</p> <p><i>Reason: To ensure that the materials used are visually appropriate to the locality. These details need to be provided prior to construction commencing to ensure the materials are acceptable.</i></p>
4.	<p>Prior to the laying of any hard landscaping on either plot full details of the colour, form and texture of all hard landscaping for that plot (ground surfacing materials) (notwithstanding any such detail shown on previously submitted plans and specification) shall have been submitted to and approved in writing by the Local Planning Authority. All works shall be undertaken strictly in accordance with the details as approved for that plot, and shall be completed in all respects before the final completion of the plot and thereafter retained.</p> <p><i>Reason: To ensure a satisfactory form of development in the interest of the visual amenity of the area.</i></p>
5.	<p>Before any fences, walls or gates are erected on either plot, full details of the alignment, height and appearance of all fences and walls and gates to be erected for that plot (notwithstanding any such detail shown on previously submitted plan(s)) shall have been submitted to and approved in writing by the Local Planning Authority. The plot shall not be occupied until all fences and walls shown in the approved details have been erected in conformity with the approved details.</p> <p><i>Reason: To ensure a visually satisfactory form of development and to provide reasonable standards of privacy to residents.</i></p>
6.	<p>Before the construction of either plot 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 for that plot, notwithstanding any such detail shown on previously submitted plan(s). The development shall be carried out strictly in conformity with the approved details for that plot.</p> <p><i>Reason: To protect the appearance of the locality and in the interests of the amenities of local residents. This information is required to be submitted prior to commencement of either plot to ensure satisfactory levels are agreed prior to construction commencing.</i></p>
7.	<p>Neither of the plots hereby permitted shall be occupied or used until the vehicular access, parking and manoeuvring areas have been constructed in accordance with the approved plans for the plot that they serve.</p> <p><i>Reason: In the interests of highway safety.</i></p>
8.	<p>A scheme for the landscaping of the either plot shall be submitted prior to the occupation of that plot. 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 proposed finished levels. All soft landscape works shall be carried out in accordance with the approved details within the first planting and seeding seasons following the occupation of the dwelling 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><i>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.</i></p>
9.	<p>Notwithstanding Schedule 2 Part 1 Class A, B and E and Part 2 Class A of the Town and Country Planning (General Permitted Development) Order 2015 or any subsequent re-enactment thereof no extensions or alterations to the dwellings,</p>

	<p>outbuildings (including sheds, garages, and greenhouses), walls and fences, or any other works permitted by the aforementioned classes shall be constructed or erected other than those expressly authorised by this permission.</p> <p><i>Reason: The design of the property has been carefully considered, both in design terms and its impact on neighbouring properties. The rear of the property is also open to public views. These classes of permitted development have been removed so that any subsequent extensions under these classes can be controlled to ensure they are acceptable in design terms and in terms of impact on the neighbouring properties. Also, to enable the Local Planning Authority to assess the impact of such proposals on the stability of the canal wall on the western boundary of the application site in the interests of minimising the risk of creating land instability arising from any adverse impacts from foundation construction, earthmoving, excavations or other construction works.</i></p>
10.	<p>All the dwellings are required to achieve a minimum Dwelling Emission Rate of 19% above 2013 Building Regulations.</p> <p><i>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.</i></p>
11.	<p>Prior to the commencement of either plot details shall be submitted to and approved in writing by the Local Planning Authority demonstrating how that plot will meet the required Dwelling Emission Rate. The development thereafter shall be completed in accordance with the approved details.</p> <p><i>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.</i></p>
12.	<p>No dwelling hereby approved shall be occupied until a SAP assessment (Standard Assessment Procedure), or other alternative proof of compliance for that plot (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><i>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.</i></p>
13.	<p>Prior to the commencement of construction of either plot, plans and particulars showing a scheme of foul sewers and surface water drains serving that plot, shall be submitted to, and approved in writing by, the Local Planning Authority. Such works shall be carried out in accordance with the approved details concurrently with the construction of the plot and in any event shall be finished before the plot is occupied.</p> <p><i>Reason: To ensure a satisfactory means of drainage. The details are required to be submitted prior to commencement of construction to ensure satisfactory details can be agreed. Also, surface water discharge agreements must be in place prior to</i></p>

	<i>any construction work in order to prevent the risk of pollution/flood into the waterway and to ensure that the development is drained in a satisfactory manner.</i>
14.	<p>No works on or adjacent to the existing canal wall on the western site boundary shall take place until the Applicant has secured and implemented a scheme of investigation (the content of which to be first approved in writing by the Local Planning Authority) to establish the structural condition of the canal wall, the extent to which any works will increase loadings on the wall and the need for any rebuilding or strengthening works as may be necessary to ensure that the structural integrity of the canal wall can be maintained. Any works on or adjacent to the canal wall shall thereafter only be carried out in accordance with the recommendations set out in the approved scheme of investigation.</p> <p><i>Reason: To establish whether mitigation works are necessary in order to ensure that the development does not adversely affect the adjacent Leeds Liverpool Canal by weakening the wall of the canal and to secure any mitigation works as may be required and to accord with the advice and guidance relating to land stability contained in Paragraphs 120 and 121 of the National Planning Policy Framework March 2012.</i></p>
15.	<p>No development shall take place until a Method Statement detailing the design and means of construction of the foundations of the buildings, together with any other proposed earthmoving and excavation works required in connection with construction of the buildings has first been submitted to and agreed in writing by the Local Planning Authority. The development shall thereafter only be carried out in accordance with the agreed Method Statement.</p> <p><i>Reason: In the interests of minimising the risk of creating land instability arising from any adverse impacts from foundation construction, earthmoving, excavations or other construction works upon the structural integrity of the Leeds Liverpool canal Pool adjacent to the western boundary of the application site, in accordance with the advice and guidance on land stability contained in paragraphs 120-121 of the National Planning Policy Framework 2012 and in the National Planning Practice Guidance. It is necessary to agree the Method Statement before development commences as it is required to inform development and construction operations from the outset.</i></p>
16.	<p>Notwithstanding the plans submitted prior to the occupation of either plot details of any proposed lighting for that plot shall be submitted to and approved in writing by the Local Planning Authority and thereafter implemented in accordance with the agreed details unless otherwise agreed in writing.</p> <p><i>Reason: The lighting at waterside developments should be designed to minimise the problems of glare, show consideration for bats and unnecessary light pollution should be avoided by ensuring that the level of luminance is appropriate for the location, is sustainable and efficient, and protect the integrity of the waterway infrastructure.</i></p>
17.	<p>Before construction on the site commences, details of facilities by which means the wheels of vehicles may be cleaned before leaving the site shall be submitted to and agreed in writing by the Local Planning Authority. The approved details shall be retained during the full period of construction.</p> <p><i>Reason: To avoid the possibility of the public highway being affected by the deposit of mud and/or loose materials thus creating a potential hazard to road users.</i></p>