

APPLICATION REPORT – 17/00225/OUT

Validation Date: 3 March 2017

Ward: Wheelton And Withnell

Type of Application: Outline Planning

Proposal: Erection of three detached dwellings accessed from Miller Avenue

Location: Land Adjacent 8 Miller Avenue Abbey Village

Case Officer: Richard Wilshaw

Authorising Officer: CT

Applicant: Mr F and J Fisher

Agent: Mr Peter E Gilkes

RECOMMENDATION

1. It is recommended that the application is approved subject to conditions.

SITE DESCRIPTION

2. The application site comprises 0.15ha of agricultural land that is currently used for grazing. It is relatively flat and does not accommodate any buildings. The site is the north-western corner of a wider field that totals 0.4ha which is also within the applicant's control.
3. The site is in Abbey Village. To the north-east the dwellings at Miller Avenue and Cherry Grove are located. The south-east and south-west of the site are bound by the undeveloped land also in the Applicant's control whilst the north-west is bound by the Withnell Nature Reserve.
4. The application site is located within the Settlement Boundary of Abbey Village and is also within Abbey Village Conservation Area.

DESCRIPTION OF PROPOSED DEVELOPMENT

5. The application seeks outline approval with all matters reserved for the erection of 3 dwellings. Therefore details of appearance, access, landscape, layout, and scale are reserved and are not for consideration. Only the principle of providing 3 residential dwellings at the site is for consideration.
6. The applicant is seeking approval for 3 dwellings with the intention of retaining the rest of the land in their control (but outside of the site) as grazing for their own horses.
7. An indicative layout has been submitted showing the 3 dwellings located to the northern element of the site, adjacent to 8 Miller Avenue, accessed from a new road that is a logical continuation of Miller Avenue. Stables are also noted on this plan, outside of the application site, which would need to be subject to a separate application.
8. Whilst details of layout and scale have not been applied for the application submission does state that each dwelling would provide 4 bedrooms with a frontage of 8.75m and a depth of

10.4m providing a footprint of 180m². Eaves height will be approximately 5m with a ridge height of 7m. It is therefore assumed the dwellings are likely to be two-storey.

RELEVANT HISTORY OF THE SITE

Ref: 00/00407/OUT **Decision:** WDN **Decision Date:** 1 August 2000

Description: Outline application for 6 dwellings,

REPRESENTATIONS

9. 18 letters of objection received, raising the following concerns:
 - Impact of increased traffic generation onto Bolton Road;
 - Harm to Conservation Area;
 - Not infill development;
 - Would lead to further development of undeveloped land in the area;
 - Access point to the site has been maintained by the owners of 8 Miller Avenue for 35 years and cannot be used to access the site;
 - Loss of light and privacy to neighbouring properties;
 - Development of two-storey detached properties next to bungalows is inappropriate;
 - Miller Avenue is only 4m wide and is inadequate to serve the proposal;
 - The dwellings would be out of context and dwarf the existing bungalows;
 - The area is valued open space; and
 - Impact on wildlife.
10. Wheelton and Withnell Councillor Dr Margaret France has also objected raising the same concerns as the above, and provided evidence that asserts that Miller Avenue is 5.5m in width.

CONSULTATIONS

11. **Planning Policy** – The site is located within the settlement area of Abbey Village as set out in Policy V2 of the Local Plan. This policy sets out a presumption in favour of sustainable development, subject to material planning considerations and other policies and proposals in the plan. The proposal is small scale and the applicant is proposing that the dwellings will meet the needs of themselves and members of their family, subject to this being considered to also be local needs, the proposal is in accordance with Core Strategy Policy 1.
12. **Lancashire Highway Services** – No objection subject to conditions relating to the access from Miller Avenue.
13. **United Utilities** – No objection subject to conditions required facilitate sustainable development.
14. **Withnell Parish Council** – No response received.
15. **Conservation Officer** - The site is adjacent to an area comprised entirely of modern, late 20th Century houses, that have no particular historic, architectural or cultural significance. As such the proposal will preserve the appearance of the conservation area and is therefore considered to be in conformity with S.72 of the Planning (Listed Buildings and Conservation Areas) Act 1990. It is therefore also considered to sustain the significance of this designated heritage asset and to thus be in conformity with s.12 of the Framework, policy 16 of the Adopted Central Lancashire Core Strategy (2012) and policy BNE8 of the Adopted Chorley Local Plan 2012 – 2026.

PLANNING CONSIDERATIONS

16. The main issues are as follows:

Issue 1 - Principle of Development;

Issue 2 - Impact on character and appearance of the locality;
Issue 3 - Neighbour amenity;
Issue 4 - Impact on highways/access;
Issue 5 - Impact on Designated Heritage Asset;
Issue 6 - Public Open Space;
Issue 7 - Sustainability; and
Issue 8 - Affordable Housing.

Principle of Development

17. The application site forms part of land designated by Local Plan Policy V2 as within the Settlement Area of Abbey Village. Within these areas there is a presumption in favour of appropriate sustainable development, subject to material planning considerations and compliance with other Development Plan policies.
18. Policy 1 (Locating Growth) of the Central Lancashire Core Strategy provides a hierarchy for where growth and investment shall be directed. At the bottom of this hierarchy, element (f) states:

In other places - smaller villages, substantially built up frontages and Major Developed Sites - development will typically be small scale and limited to appropriate infilling, conversion of buildings and proposals to meet local need, unless there are exceptional reasons for larger scale redevelopment schemes
19. One of the core principles of the Framework is that development should be focussed in locations that are sustainable. It is considered that the site is located in a sustainable location with easy access to public transport, amenities such as a post office and a school nearby and the means to access other amenities easily. The Framework also states that development in sustainable locations should be approved without delay. This presumption in favour of sustainable development is reflected in policy V2 of the Local Plan.
20. It is judged that Abbey Village can be classified as a 'smaller village'. It is also judged that the proposed development of 3 dwellings is can be classified as small scale. 3 dwellings are judged to be an appropriate amount, within the settlement boundary of a village of this size. A large proportion of dwellings in Abbey Village are the terraced, two-storey properties on either side of Bolton Road, originally built to house workers within the Mill. These are typically small with 2 bedrooms. The delivery of 3 detached dwellings with 4 bedrooms will provide much needed family housing to Abbey Village. Furthermore the applicants intend build, and then live in, the dwellings themselves and they have identified a local need for dwellings of this type that are currently sparse in the village.
21. Therefore it is considered that the 'principle' of the proposed dwellings is acceptable in compliance with Local Plan Policy V2 and Core Strategy Policy 1 and the Framework.

Impact on character and appearance of locality

22. The application seeks outline planning approval with all matters reserved. Therefore no details of how the proposed dwellings will look, their scale or where they will be sited has been provided. Regardless, from the application submission it is evident that 3 detached properties are proposed that will be two-storey and accommodate at least 4 bedrooms.
23. The prevailing dwelling types within the vicinity of the application are detached bungalows and dormer-bungalows. However, elsewhere in Abbey Village other dwellings types exist, including detached two-storey properties.
24. It is judged that the delivery of 3 dwellings within this location can assimilate with the built form on the northern side of Miller Avenue. 3 dwellings here could act as a logical extension to those dwelling, continuing the existing line of built form westwards.

25. Therefore whilst no details have been provided in respect to appearance, layout, scale and landscaping it is judged that 3 dwellings could be comfortably accommodated at the application site without causing harm to the character and appearance of the locality. The development therefore complies with Local Plan Policy BNE1.

Neighbour amenity

26. Policy BNE1 of the Local Plan states that new development must not cause harm to any neighbouring property by virtue of overlooking, overshadowing, or by creating an overbearing impact.
27. It is considered that there is sufficient scope within the site to design a layout that would comply with the Council's interface standards. Matters of layout have not been applied for and the final position of the dwellings may change from that which is indicatively shown.
28. Having regard to the position and location of the adjacent properties (particularly 8 Miller Avenue), and their windows to habitable rooms it is considered that dwellings could be designed on this plot that would accord with the Council's interface standards. A design could be accommodated which would not result in any parallel facing windows and the privacy of the most private area of gardens not being compromised. It is judged that a development could be delivered without adversely affecting upon light and outlook.

Impact on highways/access

29. Access has not been applied for, however, it is clear that the development is to be accessed from the western extent of Miller Avenue, where the highway currently terminates at an area of turfed and planted garden. Currently this area is maintained by no.'s 5 and 8 Miller Avenue and appears to be shared via an informal arrangement. There is no clear delineation on the ground that separates the land between the ownerships of 5 and 8 Miller Avenue.
30. Evidence submitted by neighbouring residents claims that this land has been maintained by 5 and 8 Miller Avenue for 6 years; colloquial evidence suggests that 8 Miller Avenue have maintained it for some 35 years. Therefore the owners of 5 and 8 Miller Avenue allege that they own (or at least have some control over) this strip of land between their properties, thus rendering vehicular access to the application site impossible without their permission or agreement.
31. Regardless of who owns or controls this strip of land the issue of its ownership is not a material planning consideration and cannot be taken into account in determining the application. It is a separate legal matter that must be resolved outside the planning process. If planning approval is granted in outline and then it transpires that the applicant cannot access the site without agreement from the owners of 5 and 8 Miller Avenue then this matter would need to be resolved between the parties. If their permission is required and agreement cannot be reached then it may be that any permission cannot be implemented. It is considered that the access is of an appropriate width and layout to accommodate an additional 3 dwellings at the application site.
32. Given the size of the application site it is considered that 9 car parking spaces could be accommodated to serve the three 4-bedroom dwellings, by way of garages and/or driveway space. This would ensure that the proposals comply with the Council's parking standard set out at Policy ST4.
33. It is judged that the surrounding highway network could accommodate the uplift in traffic associated with the delivery of three 4-bedroom dwellings. It is also noted that LCC (Highways) have no objection to the proposed development subject to the imposition of improvements measures, the implementation of which will be secured by condition.

Impact on Designated Heritage Asset

34. Local Plan Policy BNE8 seeks to protect and enhance the Council's designated Heritage Assets. The application site is located within the Abbey Village Conservation Area. The key characteristics of the conservation area are:
- Linear development either side of a focal point, Abbey Mill;
 - The dominant building materials are elevations faced with local sandstone and grey slate roofs;
 - Dominance of small, two-storey terraced houses. The smallest ones are the oldest (1840) and are nearest to the mill. Slightly larger ones are younger (1875) and situated on the edge of the village; and
 - Modern development on the north-western fringe.
35. The application site is adjacent to an area of the Abbey Village Conservation Area that comprises entirely of modern, late 20th Century houses that have no particular historic, architectural or cultural significance. The application site is not located adjacent to any buildings that currently make a positive contribution to the Conservation Area.
36. The application site itself is not noted within the Abbey Village Conservation Area Appraisal and Management Proposals, but it does, to some extent, help to preserve the appearance of the conservation area. It is judged that a carefully designed residential development, of an appropriate scale, using appropriate materials, could be provided at the application site which would continue to preserve the appearance and character of the conservation area.
37. As such the proposal will preserve the appearance of the conservation area and is therefore considered to be in conformity with S.72 of the Planning (Listed Buildings and Conservation Areas) Act 1990. It is therefore also considered to sustain the significance of this designated heritage asset and to thus be in conformity with s.12 of the Framework, Core Strategy Policy 16 and Local Plan Policy BNE8.

Public Open Space (POS)

38. The proposed development would generate a requirement for the provision of public open space in line with policies HS4a and HS4b of the Chorley Local Plan 2012 – 2026 and the Open Space and Playing Pitch SPD.
39. The Council has agreed to only seek contributions towards provision for children/young people on developments of 10 dwellings or less. There is a surplus of provision of this typology in Abbey Village therefore a contribution towards new provision is not required. There are no sites within the accessibility catchment (800m) of this site that need improving therefore a contribution towards improvements is also not required.

Affordable Housing

40. Policy 7 of the Core Strategy requires 30% affordable housing to be provided on sites of 15 or more dwellings, or 0.5 hectares in size. The proposed development comprises 3 dwellings and the site is under 0.5h. Therefore no affordable housing is required with this development.

Community Infrastructure Levy

41. 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 would be a chargeable development and the charge is subject to indexation in accordance with the Council's Charging Schedule.

Sustainability

42. Policy 27 of the Core Strategy requires all new dwellings to be constructed to Level 4 of the Code for Sustainable Homes or Level 6 if they are commenced from 1st January 2016. It

also requires sites of five or more dwellings to have either additional building fabric insulation measures or reduce the carbon dioxide emissions of predicted energy use by at least 15% through decentralised, renewable or low carbon energy sources. 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.”

43. Given this change, instead of meeting the code level the dwellings should achieve a minimum Dwelling Emission Rate of 19% above 2013 Building Regulations in accordance with the above provisions. This can be controlled by a condition.

Community Infrastructure Levy

44. 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 a chargeable development and the charge is subject to indexation in accordance with the Council’s Charging Schedule unless an exemption is applied for.

CONCLUSION

45. It is considered that the proposal would have a very limited impact on the character of the area and would accord with the aims of policies within the Framework and Local Plan that seek to achieve sustainable development. It is also considered that the proposal would not give rise to undue harm to the amenities of neighbouring residents or highway safety. Finally, the proposed development would preserve the character and appearance of the Abbey Village Conservation Area and is accordingly recommended for approval

RELEVANT POLICIES: 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 proposal has had regard to guidance contained within the National Planning Policy Framework (the Framework) and the development plan. The specific policies/ guidance considerations are contained within the body of the report.

Suggested Conditions

No.	Condition
1.	An application for approval of the reserved matters, namely the access, appearance, layout, scale and landscaping of the site, must be made to the Council before the expiration of three years from the date of this permission and

	<p>the development hereby permitted must be begun two years from the date of approval of the last of the reserved matters to be approved.</p> <p><i>Reason: This condition is required to be imposed by the provisions of Article 3 (1) of the Town and Country Planning (General Development Procedure) Order 1995 and Section 92 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.</i></p>									
2.	<p>The development hereby permitted shall be carried out in accordance with the approved plans below:</p> <table border="1"> <thead> <tr> <th>Reference</th> <th>Title</th> <th>Received</th> </tr> </thead> <tbody> <tr> <td>Site Location Plan</td> <td>Site Location Plan</td> <td>1st March 2017</td> </tr> <tr> <td>Site Plan</td> <td>Site Plan</td> <td>1st March 2017</td> </tr> </tbody> </table> <p><i>Reason: For the avoidance of doubt and in the interests of proper planning</i></p>	Reference	Title	Received	Site Location Plan	Site Location Plan	1 st March 2017	Site Plan	Site Plan	1 st March 2017
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3.	<p>Prior to the construction of the superstructure of any of the dwellings hereby permitted or with any reserved matter application, details shall be submitted to and approved in writing by the Local Planning Authority demonstrating that each dwelling will achieve a minimum Dwelling Emission Rate of 19% above 2013 Building Regulations. 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 reduction as part of new residential schemes in the interests of minimising the environmental impact of the development.</i></p>									
4.	<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><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>									
5.	<p>Prior to the construction of the superstructure of any of the dwellings hereby permitted or with any reserved matter application, a surface water drainage scheme, based on the hierarchy of drainage options in the National Planning Practice Guidance with evidence of an assessment of the site conditions shall be submitted to and approved in writing by the Local Planning Authority.</p> <p>The surface water drainage scheme must be in accordance with the Non-Statutory Technical Standards for Sustainable Drainage Systems (March 2015) or any subsequent replacement national standards and unless otherwise agreed in writing by the Local Planning Authority, no surface water shall discharge to the public sewerage system either directly or indirectly.</p> <p>The surface water drainage scheme shall include as a minimum:</p>									

	<p>a. Arrangements for adoption by an appropriate public body or statutory undertaker, or, management and maintenance by a resident's management company; and</p> <p>b. Arrangements for inspection and ongoing maintenance of all elements of the sustainable drainage system to secure the operation of the surface water drainage scheme throughout its lifetime.</p> <p>The development shall subsequently be completed, maintained and managed in accordance with the approved scheme.</p> <p><i>Reason: To promote sustainable development, secure proper drainage and to manage the risk of flooding and pollution. This condition is imposed in light of policies within the NPPF and NPPG.</i></p>
6.	<p>Prior to the construction of the superstructure of any of the dwellings hereby permitted or with any reserved matter application, samples of all external facing and roofing materials (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 shall be undertaken strictly in accordance with the details as approved.</p> <p><i>Reason: To ensure that the materials used are visually appropriate to the locality.</i></p>
7.	<p>Prior to the construction of the superstructure of any of the dwellings hereby permitted or with any reserved matter application, 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 plan(s)) 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><i>Reason: To ensure a visually satisfactory form of development and to provide reasonable standards of privacy to residents.</i></p>
8.	<p>The application for approval of the reserved matters for layout shall be accompanied by full details of existing and proposed ground levels and proposed building finished floor levels (all relative to ground levels adjoining the site), notwithstanding any such detail shown on previously submitted plan(s). The development shall only be carried out in conformity with the approved details.</p> <p><i>Reason: To protect the appearance of the locality and in the interests of the amenities of local residents.</i></p>
9.	<p>Prior to the construction of the superstructure of any of the dwellings hereby permitted or with any reserved matter application, plans and particulars showing the provision for the parking and/or garaging of cars and associated manoeuvring areas (including full details of the surfacing, drainage and marking out of the spaces) shall be submitted to, and approved in writing by, the Local Planning Authority. Such details as agreed shall be laid out and made available in all respects prior to the first occupation of the building to which it is related and thereafter retained (notwithstanding the Town and Country Planning (General Permitted Development) Order 2015).</p> <p><i>Reason: In order that the Council may be satisfied with the details of the proposal and to ensure a satisfactory level of off-street vehicle park.</i></p>

10.	<p>All hard and soft landscape works shall be carried out in accordance with the approved details of a subsequent Reserved Matters approval 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><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>