

APPLICATION REPORT – 17/00913/OUT

Validation Date: 13 September 2017

Ward: Wheelton And Withnell

Type of Application: Outline Planning

Proposal: Outline application for erection of two detached houses and a detached dormer bungalow (with all matters reserved)

Location: Land Adjacent 8 Miller Avenue Abbey Village

Case Officer: Mr Iain Crossland

Applicant: Mr F and J Fisher

Agent: Mr Peter E Gilkes

Consultation expiry: 12 October 2017

Decision due by: 15 December 2017 (Agreed extension of time)

RECOMMENDATION

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

SITE DESCRIPTION

2. The application site is located within the settlement boundary, and on the edge, of Abbey Village and is also within Abbey Village Conservation Area.
3. The application site comprises 0.15ha of pasture 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 ownership.
4. To the north-east of the site are the dwellings at Miller Avenue and Cherry Grove. To the south-east and south-west the site is bound by the undeveloped land also in the Applicant's ownership, whilst the north-west of the site is bound by the Withnell Nature Reserve.
5. It is noted that an outline application for the erection of three detached dwellings accessed from Miller Avenue was refused by the Development Control Committee in May 2017. This decision is currently the subject of a live appeal.

DESCRIPTION OF PROPOSED DEVELOPMENT

6. The application seeks outline approval with all matters reserved for the erection of three dwellings. Therefore, details of appearance, access, landscape, layout, and scale are reserved and are not for consideration at this time. Only the acceptability of the principle of providing three residential dwellings on the site is for consideration.
7. The applicant is seeking approval for three dwellings comprising two detached dwellings and a detached dormer bungalow, with the intention of retaining the rest of the land in their ownership (but outside of the site) as grazing for their own horses.

8. An indicative layout has been submitted showing the three dwellings located to the northern element of the site, adjacent to 8 Miller Avenue, and accessed from a new road that would be continuation of Miller Avenue. It is noted that stables are shown on the indicative plan, outside of the application site. These would need to be subject to a separate application and are not for consideration as part of this application.
9. Whilst details of layout and scale have not been applied for the application submission does state that each of the two detached houses would provide 4 bedrooms with a frontage of 8.75m and a depth of 10.4m providing a footprint of 180m². The eaves height would be approximately 5m with a ridge height of 7m. It is, therefore, assumed these dwellings are likely to be two-storey. The dormer bungalow would have a similar footprint but eaves height would be 2.75m with a ridge height of 6.5m.

REPRESENTATIONS

10. Representations have been received from the occupiers of six addresses in objection to the proposed development. These raise the following issues:
 - Impact of increased traffic generation onto Bolton Road;
 - Inadequate access;
 - Harm to conservation area;
 - 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;
 - Impact on character of the area. Specifically 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;
 - Impact on nature reserve and wildlife;
 - There is sufficient housing stock in the area;
 - Insufficient information;
 - Who would be liable for problems with ground conditions?;
 - What benefit is there for the village?;
 - Would result in urban sprawl;
 - Impact on highway from construction traffic.

CONSULTATIONS

11. **Council's Conservation Officer:** Has raised no objections – see assessment below.
12. **Lancashire Highway Services:** Have commented that the highway response to the previously refused application, 17/00225/OUT, is still valid and should hold for the current proposal. This stated no objection subject to conditions relating to the access from Miller Avenue.
13. **United Utilities:** No comments received.
14. **Withnell Parish Council:** No comments received.

PLANNING CONSIDERATIONS

Principle of development

15. 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.
16. Abbey Village is not specified as an area for growth within Core Strategy policy 1 and falls to be considered as an 'other place'. Criterion (f) of Core Strategy policy 1 reads as follows:

“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.”

17. 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, local 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.
18. It is considered that Abbey Village can be classified as a ‘smaller village’. It is also considered that the proposed development of three dwellings is small scale. Three dwellings would be an appropriate amount of dwellings, within the settlement boundary of a village of this size. A large proportion of dwellings in Abbey Village are 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 three detached dwellings with 4 bedrooms would have the benefit of providing much needed family housing to Abbey Village, which may support a small number of families to remain within the village rather than having to seek appropriate housing elsewhere.
19. 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 designated heritage asset

20. Local Plan policy BNE8 seeks to protect and enhance the 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 northwestern fringe.
21. 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 and it is not located adjacent to any buildings that currently make a positive contribution to the Conservation Area.
22. 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 considered 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.
23. The only listed building in the area, Abbey Mill, is located approximately 140 metres south east from the application site. Given the character of the immediate area to the proposed development site and the separation distance to the only listed building in the area it is considered that the proposed development would have no material impact on either the appearance of the listed building or the conservation area, or the significance of these designated heritage assets.
24. As such it is considered that an application in outline only can be determined in this instance, given the peripheral position within a less significant part of the conservation area. It is considered that the proposed development would have no material impact on either the

appearance of the conservation area or any listed buildings, or the significance of these designated heritage assets 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.66 and S.72 of the P(LBCA) Act 1990, policy 16 of the Core Strategy and policy BNE8 of the Adopted Chorley Local Plan 2012 - 2026.

Impact on character and appearance of locality

25. The application seeks outline planning permission with all matters reserved. Therefore, no details of how the proposed dwellings would look, their scale or where they would be sited has been provided. From the information submitted with the application it is evident that the applicant's intention is to develop three detached properties consisting of two detached houses and a dormer bungalow. These are likely to accommodate at least 4 bedrooms each.
26. The prevailing dwelling types within the vicinity of the application site are detached bungalows and dormer-bungalows. However, elsewhere in Abbey Village other dwellings types exist, including detached two-storey properties.
27. It is considered that three detached properties in this location can assimilate with the built form on the northern side of Miller Avenue, with the proposed dormer bungalow providing a progression in scale from the existing bungalows of Miller Avenue to the two storey dwellings that are proposed. Three dwellings in this position could act as a logical extension to those existing dwellings, continuing the existing line of built form westwards.
28. Should this application be approved it is considered that the siting of the proposed dwellings would require careful consideration as part of a subsequent reserved matters application. The siting and continuation of the highway should reflect the general alignment and pattern of the dwelling sited along Miller Avenue.
29. Therefore, whilst no details have been provided in respect to appearance, layout, scale and landscaping it is considered that three dwellings could be 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

30. 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.
31. 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.
32. 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 without compromising the most private areas of gardens. It is, therefore, considered that the development could be delivered without adversely affecting upon light and outlook.

Impact on highways/access

33. Access has not been applied for at this stage, however, it is clear that the development is to be accessed from the western extent of Miller Avenue, as a continuation of the existing highway. It is noted that Miller Avenue currently terminates at an area of grassed verge, which appears to have been planted and tended as a garden. Currently this area appears to be maintained by nos. 5 and 8 Miller Avenue and appears to be shared via an informal arrangement.

34. Evidence submitted by neighbouring residents claims that this land has been maintained by the occupiers of 5 and 8 Miller Avenue for 6 years; colloquial evidence suggests that the occupiers of 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.
35. LCC Highways have confirmed that this grassed verge area between the end of the surfaced carriageway at Miller Close and the application site forms part of the adopted highway and falls within the control and ownership of Lancashire County Council. Access to the site would not, therefore, depend upon the consent of any third parties.
36. 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 proposal complies with the Council's parking standard set out at policy ST4 of the Local Plan.
37. It is considered 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 can be secured by condition.

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 Supplementary Planning Document.
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.

Sustainability

40. 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."
41. As such, there is a requirement for the proposed dwellings to achieve a minimum Dwelling Emission Rate of 19% above 2013 Building Regulations in accordance with the above provisions. This can be controlled by conditions.

Other matters

42. *Impact on nature reserve and wildlife:* The site borders the local nature reserve to the west. The proposed development would not result in any loss of the nature reserve or impact on its status. The relationship would reflect that of the dwellings at 6, 7 and 8 Cherry Grove, which also bound the nature reserve. The application itself is pasture land and, therefore, has little ecological value in its own right.
43. *There is sufficient housing stock in the area:* Although the Council has a 5 year housing supply, there is an ongoing need to supply housing within the borough, and part of this supply is anticipated to be delivered through windfall sites, which this is. In addition, there are few opportunities for new housing development in Abbey Village.
44. *Insufficient information:* The planning application is in outline only with all matters reserved. An application for outline planning permission allows for a decision on the general principles of how a site can be developed. Outline planning permission is granted subject to conditions requiring the subsequent approval of one or more 'reserved matters', at which stage greater detail would be submitted for the Council's consideration. Only information about the proposed use or uses, and the amount of development proposed for each use is necessary to allow consideration of an application for outline planning permission. It is considered that in this instance adequate information has been submitted in support of the application to determine the general principles of the proposed development on the site in question.
45. *Who would be liable for problems with ground conditions?:* Should any issues with ground conditions be identified throughout the course of any development it is the responsibility of the developer to ensure the safe development of the site and any other land affected.
46. *What benefit is there for the village?:* The provision of family sized housing within a village of predominantly 2 bedroomed dwellings is considered to be a benefit.
47. *Would result in urban sprawl:* The site forms part of the settlement area, within which there is a presumption in favour of appropriate sustainable development.
48. *Impact on the highway from construction traffic:* It is recommended that a construction method statement is required by a condition prior to the commencement of any development of the site in the interests of highway safety and to protect the amenity of neighbouring occupiers.

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

CONCLUSION

49. It is considered that the proposal would have no detrimental impact 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.

RELEVANT HISTORY OF THE SITE

Ref: 00/00407/OUT **Decision:** WDN **Decision Date:** 1 August 2000
Description: Outline application for 6 dwellings,

Ref: 17/00225/OUT **Decision:** REFFPP **Decision Date:** 26 May 2017
Description: Erection of three detached dwellings accessed from Miller Avenue

Suggested Conditions

No.	Condition									
1.	<p>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 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" data-bbox="336 958 1311 1059"> <thead> <tr> <th data-bbox="336 958 624 992">Reference</th> <th data-bbox="624 958 1062 992">Title</th> <th data-bbox="1062 958 1311 992">Received</th> </tr> </thead> <tbody> <tr> <td data-bbox="336 992 624 1025">Site Location Plan</td> <td data-bbox="624 992 1062 1025">Site Location Plan</td> <td data-bbox="1062 992 1311 1025">13th Sept 2017</td> </tr> <tr> <td data-bbox="336 1025 624 1059">Site Plan</td> <td data-bbox="624 1025 1062 1059">Site Plan</td> <td data-bbox="1062 1025 1311 1059">13th Sept 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	13 th Sept 2017	Site Plan	Site Plan	13 th Sept 2017
Reference	Title	Received								
Site Location Plan	Site Location Plan	13 th Sept 2017								
Site Plan	Site Plan	13 th Sept 2017								
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>As part of the first application for reserved matters or prior to the commencement of the development the following details shall be submitted to and approved in writing by the Local Planning Authority:</p> <p>a) Details of the colour, form and texture of all external facing materials to the proposed dwelling</p> <p>b) Details of the colour, form and texture of all hard ground- surfacing materials.</p> <p>c) Location, design and materials of all fences, walls and other boundary treatments.</p> <p>d) The finished floor level of the proposed dwelling and any detached garages</p> <p>The development thereafter shall be completed in accordance with the approved details. Prior to the first occupation of the dwelling hereby permitted all fences and walls shown in the approved details to bound its plot shall have been erected in conformity with the approved details.</p> <p><i>Reason: In the interests of the visual amenities and character of the area and to provide reasonable standards of privacy to residents.</i></p>
7.	<p>A scheme for the landscaping of the development and its surroundings shall be submitted as part of the reserved matters application. These details shall include all existing trees and hedgerows on the land; detail any to be retained, together with measures for their protection in the course of development; indicate the types and numbers of trees and shrubs to be planted, their distribution on site, those areas to be seeded, paved or hard landscaped; and detail any changes of ground level or landform, proposed finished levels, means of enclosure, minor artefacts and structures. The scheme should include a landscaping/habitat creation and management plan which 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. The content of the plan</p>

	<p>should include elements to mitigate for loss of trees shrubs and bird nesting habitat.</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><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>
8.	<p>Either as part of the first reserved matters application or prior to the commencement of the development a Construction Method Statement shall be submitted to, and approved in writing by, the local planning authority. The approved Statement shall be adhered to throughout the construction period. The Statement shall provide for:</p> <ul style="list-style-type: none"> i. the parking of vehicles of site operatives and visitors ii. hours of operation (including deliveries) during construction iii. loading and unloading of plant and materials iv. storage of plant and materials used in constructing the development v. the erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate vi. wheel washing facilities vii. measures to control the emission of dust and dirt during construction viii. a scheme for recycling/disposing of waste resulting from demolition and construction works <p><i>Reason: in the interests of highway safety and to protect the amenities of the nearby residents.</i></p>
9.	<p>Prior to the construction/provision of any services, a strategy to facilitate super-fast broadband for future occupants of the site shall be submitted to and approved in writing by the Local Planning Authority. The strategy shall seek to ensure that upon occupation of a dwelling, either a landline or ducting to facilitate the provision of a super-fast broadband service to that dwelling from a site-wide network, is in place and provided as part of the initial highway works within the site boundary only.</p> <p><i>Reason: To ensure a sustainable form of development.</i></p>