

Application Number 07/2016/0714/FUL

ITEM 13

Address
327 Dunkirk Lane
Moss Side
Leyland
Lancashire
PR26 7SY

Applicant Mr Liam Derbyshire

Agent
Mr Neil Sharp
20 Kenford Drive
Wigan
WN3 6JW

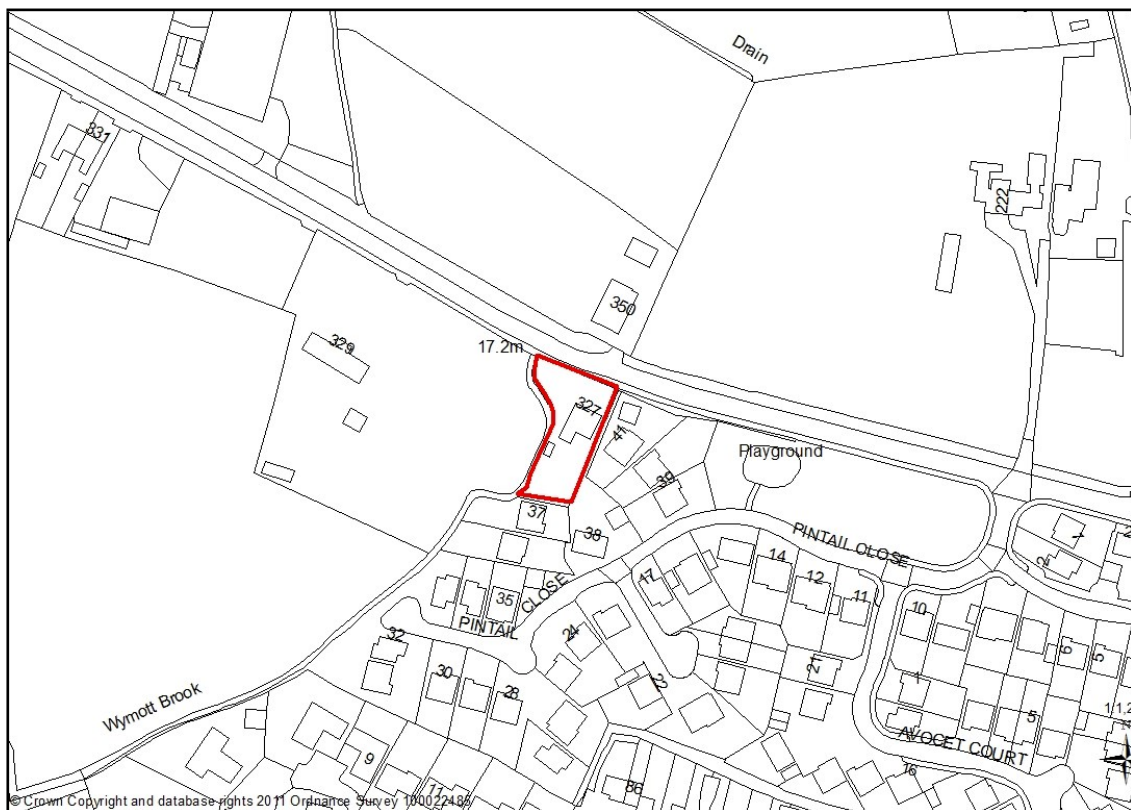
Development Erection of one detached dwelling following demolition of existing bungalow and garage

Officer Recommendation **Approval with Conditions**

Date application valid 12.09.2016

Target Determination Date 07.11.2016

Extension of Time



© Crown Copyright and database rights 2011 Ordnance Survey 100022485

1. Introduction

1.1. The size and nature of this application would normally fall under the scheme of delegation but as the applicant is related to a member of the Council, the application is now before you.

2. Report Summary

2.1 The application is in full and relates to the demolition of an existing bungalow and garage and the erection of a new two storey dwelling which would include a basement. The

scheme has been assessed against current planning policies including the national planning policy framework and the development plan policies.

- 2.2 The principle of a dwelling in this location has been established and subject to conditions controlling commencement, contamination, hours of construction, hours of delivery, drainage, biodiversity, sustainable building measures, boundary treatment, electric vehicle points and flood risk assessment, is recommended for approval.

3. Application Site and Surrounding Area

- 3.1 The application site is located approximately 3km west of Leyland town centre and is situated in a plot with an area of approximately 0.19 of an acre. Wymott Brook forms the western boundary with the Green Belt beyond. Access to the site is from Dunkirk Lane which forms the northern boundary and residential housing lies the south and east boundaries.
- 3.2 Currently on site is an existing dilapidated detached bungalow constructed in the 1930's, this includes a single garage to the rear of the existing dwelling.
- 3.3 The site is located within the existing built up boundary as defined by Policy B1 Existing built up boundary.

4. Site History

- 4.1 07/2016/0362/FUL Erection of one detached dwelling and double garage following demolition of existing bungalow and garage. Withdrawn

5. Proposal

- 5.1 Planning permission is sought for the construction of a detached dwelling to include a basement following demolition of existing bungalow and garage. The dwelling measuring 16m (width)x 12m (deep) with a maximum height of 8.4m would be constructed in Marley eternity Ashmore interlocking double plain tiles to the roof, white K-render to the walls and stone quoins, cills and heads to the windows and doorways.
- 5.2 The scheme provides for four bedrooms and a basement to incorporate a leisure area and the applicant has provided the following supporting documents:
- Bat and Re-emergence Survey dated June 2016
 - Structural Survey dated February 2016
 - Flood Risk Assessment
 - Ecological Survey dated 12 May 2016.
 - Design and access Statement 2016

6. Representations

- 6.1 A site notice has been posted and neighbouring properties consulted. Although no representations have been received the consultation date for the neighbour letters finishes on 5 October and for the Site Notice on 11 of October and any comments will be reported via the update sheet or verbally at the meeting.

To date one letter of support has been received which encourages the development due to the dilapidated state of the bungalow.

7. Summary of Responses

- 7.1 **LCC Highways:** No objection

- 7.2 **Environment Agency:** No objection subject to a condition to ensure that the development is carried out in accordance with the Flood Risk Assessment.

- 7.3 **Environmental Health:** Recommend the following conditions: surface and foul water, hours of construction, burning, contamination and electric vehicle points.
- 7.4 **Ecology Services:** No objection on ecological grounds- The conclusion within the updated bat surveys area considered acceptable.
- 7.5 **Trees:** No comments received
- 7.6 **United Utilities:** Surface and foul water to be dealt with separately. A surface water drainage system to be submitted based upon the principles set out in the NPPF.

8. Material Considerations

- 8.1 The overarching theme of the NPPF is one of a presumption in favour of sustainable development with three dimensions: economic; social and environmental. The Framework recognises that the planning system can contribute to this by providing a supply of housing required to encourage vibrant and healthy communities (Paragraph 7).
- 8.2 **Policy 1: Locating Growth** focuses growth and investment on brownfield sites in the main urban areas, whilst protecting the character of suburban and rural areas.
- 8.3 **Policy 4: Housing Delivery** provides for and manages the delivery of new housing.
- 8.4 **Policy 5: Housing Density** seeks to secure housing densities which are in keeping with the local areas and which will have no detrimental impact on the amenity, character, appearance, distinctiveness and environmental quality of an area.
- 8.5 **Policy 6: Housing Quality** seeks to improve the quality of housing by facilitating the greater provision of accessible housing and neighbourhoods and use of higher standards of construction.
- 8.6 **Policy 17: Design of New Buildings** expects the design and new buildings to take account of the character and appearance of the local area; be sympathetic to surrounding land uses and occupiers; ensure that the amenities of occupiers of the new development will not be adversely affected by neighbouring uses and vice versa; minimise opportunity for crime; provide landscaping as an integral part of the development, protecting existing landscape features and natural assets, habitat creation, provide open space and enhance the public realm; be adaptable to climate change and adopt the principles of sustainable construction including sustainable drainage systems and ensure that contaminated land is addressed through appropriate remediation and mitigation measures.
- 8.7 **Policy 22: Biodiversity and Geodiversity** seeks to conserve, protect, enhance and manage the biological and geological assets of an area.
- 8.8 **Policy 29: Water Management** seeks to improve water quality and reduce flooding
- 8.9 **Policy F1: Parking Standards** requires developments to provide car parking in accordance with the parking standards adopted by the Council.
- 8.10 **Policy G13: Trees, Woodlands & Development** has a presumption in favour of the retention and enhancement of existing tree, woodland and hedgerow cover on site.
- 8.11 **Policy G16: Biodiversity & Nature Conservation** seeks to protect, conserve and enhance the borough's biodiversity and ecological network resources.
- 8.12 **Policy G17: Design Criteria for New Development** permits new development provided that the development does not have a detrimental impact on neighbouring buildings or on the street scene by virtue of its design, height, scale, orientation, plot

density, massing, proximity, use of materials. Furthermore, the development should not cause harm to neighbouring property by leading to undue overlooking, overshadowing or have an overbearing effect; the layout, design and landscaping of all elements of the proposal, including any internal roads, car parking, footpaths and open spaces, are of a high quality and will provide an interesting visual environment which respects the character of the site and local area; the development would not prejudice highway safety, pedestrian safety, the free flow of traffic, and would not reduce the number of on-site parking spaces to below the standards stated in Policy F1. Furthermore, any new roads and/or pavements provided as part of the development should be to an adoptable standard; and the proposal would not have a detrimental impact on landscape features such as mature trees, hedgerows, ponds and watercourses.

9. Other Material Considerations

9.1 The main issues to consider include the details of the design of the dwelling the impact upon residential amenity the impact of the development on Wymott Brook access and highway matters

9.2 Community Infrastructure Fund (CIL)

9.2.1 The application is accompanied by a Self-Build certificate and therefore the development would be exempt from CIL.

9.3 Suitability of Access

9.3.1 Access is currently taken from Dunkirk Lane and the applicant has advised that there would be no alterations to the existing means of vehicular and pedestrian access. County Highways has advised that the car parking and access arrangements area acceptable and has raised no objection as the development.

9.3.2 Currently there is an existing boundary hedge which would remain and given the semi-rural nature of the site this aspect should be conditioned.

9.4 Parking Arrangements

9.4.1 The plans demonstrate a four bedroom dwelling and although there are no details of any car parking the front and side boundaries would accommodate the required three car park spaces. The proposal therefore meets the aims of Policy F1 of the South Ribble Local Plan.

9.5 Design, Appearance and Impact on Character of Area

9.5.1 This particular plot is located on the very edge of the urban boundary adjacent to the Green Belt. The plot is also adjacent to the recent housing estate known as Pintail Close but due to the different access arrangements the application site faces and is accessed directly from Dunkirk Lane whereas the adjacent housing associated with Pintail Close is accessed via an internal estate road.

9.5.2 Therefore, when considered in context, and viewed from Dunkirk Lane, the application site has a rural appearance with strong countryside hedging to the front boundary and trees to the western boundary adjacent to the River Wymott. There is an opportunity to design a property that sits well within this semi-rural landscape, which respects the natural features of the plot and the surrounding area and provides modern living accommodation.

9.5.3 A previous application with the dwelling measuring 11.6m (wide) x14.6m (deep) with a maximum height of 9.6m was withdrawn due to concerns about the scale and design - amongst other things. This current application has reflected advice given to the applicant. The front elevation is better proportioned in terms of the alignment of the fenestration and entrance. The overall height of the dwelling has been reduced from

9.6m to 8.4m. The large dormers which were previously included on the western elevation have now been omitted and the scheme proposes a basement rather than a third storey. The proposed use of render to the walls would not be dissimilar to other properties in the wider area and is therefore considered acceptable.

9.5.4 It is acknowledged that the proposed dwelling is larger than the existing dwellings on the recent housing development associated with Pintail Close. However, the plot the subject of the application, is considerably larger than the residential plots associated with Pintail Close and the current scheme addresses some of the previous concerns which are set out in the next paragraph.

9.6 Relationship to Neighbours

9.6.1 The eastern elevation of the property would be located approximately 1m away from the boundary with number 41 Pintail Close. To protect the amenities of the adjacent property the eastern elevation has only two windows: one to a ground floor and one to a first floor bathroom. A condition to secure obscure glazing to the first floor window is recommended.

9.6.2 The rear boundary of the previous application protruded approximately 6m further into the site which had a negative impact upon no 41 Pintail Close. The current application has amended this aspect and now demonstrates a similar rear building line to the adjacent property thereby reducing the scale and massing.

9.6.3 It is therefore considered that the dwelling is acceptable would not have an adverse impact upon the residential amenities of the neighbouring property. Therefore, the proposal meets the criteria of Policy G17 of the South Ribble Local Plan.

9.7 Drainage and Ground Levels

9.7.1 The applicant has advised that foul drainage would be dealt with via the mains sewer system. Policy 29 of the Core Strategy seeks to improve water management and reduce the risk of flooding. To address these aspects United Utilities has advised that foul and surface water should be drained on separate systems. Environmental Health has also advised that a condition controlling surface water drainage would be required. Therefore, subject to the imposition of conditions controlling these aspects the development would meet the aims of Policy 29 of the Core Strategy.

9.7.2 The application site lies within Flood Zone 3 which is defined as having a high probability of flooding. In accordance with policy the application is accompanied by a Flood Risk Assessment (FRA). The Environment Agency has advised that having reviewed the FRA they are satisfied that the development would be safe for its lifetime without increasing flood risk elsewhere. Therefore, subject to a condition to ensure that the development is carried out in accordance with the FRA, no objection is raised.

9.7.3 The development replaces an existing dwelling and measures through the FRA have been incorporated for example controlling the finished floor levels to minimise the risk of flooding. Subject to a condition to ensure that the details associated with the surface water drainage incorporate sustainable drainage measures, the development satisfies paragraph 103 of the National Planning Policy Framework which seeks to ensure that flood risk is not increased elsewhere.

9.8 Wildlife and Ecology

9.8.1 The application is accompanied by an Ecology Survey which considers whether bats were present within the building. The report concluded that further dusk/emergence surveys would be required. The applicant has submitted a further survey which has concluded that following a number of survey visits during the 8 June and 24 June and no evidence of bats were recorded in relation to the building. Ecology Services had

advised that the bat surveys carried out have not identified any bats roosting in the building and therefore no objection is raised.

9.8.2 Although a number of trees have been felled before this application was submitted, a block plan has been received which identifies the location of the existing ones, these together with the front boundary hedge which would be retained would maintain existing foraging opportunities for the bats. The ecology report dated June 2016 did identify the wider area as important for foraging and recommended a number of measures to minimise disturbance and also measures to increase biodiversity opportunities. The measures include no external lighting to the western boundary, any external lighting to be downward facing to reduce light spill and that opportunities for bat boxes be considered. A condition controlling these aspects would support the aims of Policy 16 Biodiversity and nature conservation of the South Ribble Local Plan and is recommended.

10 CONCLUSION

10.1 The application site is located approximately 3km west of Leyland town centre and consists of a bungalow and garage. A structural survey has identified that the bungalow is dilapidated and should be demolished. As the principle of residential development has been established the construction of detached two storey dwelling with a basement is considered acceptable. The proposed dwelling would not have a detrimental impact upon residential amenity and subject to conditions controlling commencement, contamination, hours of construction, hours of delivery, drainage, biodiversity, sustainable building measures, boundary treatment, electric vehicle charging points, materials and environment agency requirements is recommended for approval.

RECOMMENDATION:

Approval with Conditions.

RECOMMENDED CONDITIONS:

1. The development hereby permitted must be begun not later than the expiration of three years beginning with the date of this permission.
REASON: Required to be imposed pursuant to Section 91 of the Town and Country Planning Act 1990.
2. The development, hereby permitted, shall be carried out in accordance with the approved plans:
Drawing DL-11 entitled Existing plans and elevations and site plan
Drawing No.DL-11 Rev B entitled Proposed elevations Drawing
No. DL-04 entitled Proposed Site Plan
or any subsequent amendments to those plans that have been agreed in writing by the Local Planning Authority.
REASON: For the avoidance of doubt and to ensure a satisfactory standard of development
3. Prior to the commencement of development hereby approved, the following information shall be submitted to the Local Planning Authority (LPA) for approval in writing:
 - a) A Desk Study which assesses the risk of the potential for on-site contamination and ground gases and migration of both on & off-site contamination and ground gases.
 - b) If the Desk Study identifies potential contamination and ground gases, a detailed Site Investigation shall be carried out to address the nature, degree and distribution of contamination and ground gases and shall include an identification and assessment of the risk to receptors as defined under the Environmental Protection Act 1990, Part IIA, focusing primarily on risks to human health and controlled waters. The investigation shall also address the implications of the health and safety of site workers, of nearby occupied building structures, on services and landscaping schemes and on wider environmental receptors including ecological systems and property.

The sampling and analytical strategy shall be submitted to and approved in writing by the LPA prior to the start of the site investigation survey.

c) A Remediation Statement, detailing the recommendations and remedial measures to be implemented within the site.

Any works identified in these reports shall be undertaken when required with all remedial works implemented by the developer prior to occupation of the first and subsequent dwellings.

On completion of the development/remedial works, the developer shall submit written confirmation, in the form of a Verification Report, to the LPA, that all works were completed in accordance with the agreed Remediation Statement.

REASON: To ensure that the site investigation and remediation strategy will not cause pollution of ground and surface waters both on and off site, in accordance with Policy 17 in the Central Lancashire Core Strategy and Policy G14 in the South Ribble Local Plan 2012-2026

4. During the site preparation and construction of the development no machinery, plant or powered tools shall be operated outside the hours of 08:00 to 18:00 Monday to Friday 09:00 - 13:00 on Saturdays.

No construction shall take place at anytime on Sundays or nationally recognised Bank Holidays.

No deliveries of construction materials or removal of construction waste shall be undertaken outside the hours of 09:00 - 17:00 Monday to Friday. No deliveries or removal of waste shall be carried out at weekends or nationally recognised Bank Holidays.

REASON: To safeguard the amenities of neighbouring properties in accordance with Policy 17 of the Central Lancashire Core Strategy.

5. There shall be no burning of waste material or vegetation on site.

REASON: In the interests of the amenity and to safe guard the living conditions of the nearby residents in accordance with Policy 17 in the Central Lancashire Core Strategy.

6. Prior to commencement of any development, 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 subject to full formal consultation with United Utilities and the Environment Agency.

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 sewer system either directly or indirectly.

The development shall be completed, maintained and managed in accordance with the approved details.

REASON: To promote sustainable development, secure proper drainage and to manage the risk of flooding and pollution, in accordance with Policy 29 in the Central Lancashire Core Strategy

7. An Electric Vehicle Recharge Point shall be provided to the property, in line with the following specifications:

All dwelling houses with at least one off-street parking space or garage space integral to the curtilage of the property:

One EVR point per house shall be installed during the construction of the dwelling.

REASON: To enable and encourage the use of alternative fuel use for transport purposes in accordance with Policy 3 of the Central Lancashire Core Strategy.

8. The window to be fitted in the first floor of the (eastern elevation) elevation shall be fitted with obscured glazing and retained at all times thereafter.

REASON: To prevent undue overlooking and loss of privacy to no. 41 Pintail Close in the interests of the residential amenity of the occupiers of that property as required by Policy

9. The recommendations in section 8 of the report entitled Bat Emergence and Re-entry Survey dated June 2016 shall be implemented in full to the satisfaction of the local planning authority.
REASON: In the interests of bio diversity and nature conservation and to comply with Policy G 16 of the South Ribble Local Plan.
10. The dwelling is required to achieve a minimum Dwelling Emission Rate of 19% above 2013 Building Regulations.
REASON: Policy 27 of the Adopted Central Lancashire Core Strategy requires new dwellings to be built to Code for Sustainable Homes Level 4 however following the Deregulation Bill 2015 receiving Royal Assent it is no longer possible to set conditions with requirements above a Code Level 4 equivalent. However as Policy 27 is an adopted Policy it is still possible to secure energy efficiency reduction as part of new residential schemes in the interests of minimising the environmental impact of the development.
11. Prior to the commencement of the development details shall be submitted to and approved in writing by the Local Planning Authority demonstrating that the dwelling will meet the required Dwelling Emission Rate. The development thereafter shall be completed in accordance with the approved details.
REASON: Policy 27 of the Adopted Central Lancashire Core Strategy requires new dwellings to be built to Code for Sustainable Homes Level 4 however following the 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
12. 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.
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.
13. Prior to the commencement of any development, details of the foul drainage scheme shall be submitted to and approved in writing by the Local Planning Authority. Foul water shall be drained on a separate system. No building shall be occupied until the approved foul drainage scheme has been completed to serve that buildings, in accordance with the approved details.
REASON: For the avoidance of doubt and to protect the living conditions of future occupants of the site in accordance with Policy 29 in the Central Lancashire Core Strategy
14. Prior to the importation of any subsoil and/or topsoil material into the proposed development site, information supporting the suitability of the material shall be submitted to the Local Planning Authority for approval in writing.
The information submitted shall include details of the material source, sampling methodologies and analysis results, which demonstrates the material does not pose a risk to human health as defined under Part 2A of the Environmental Protection Act 1990.

REASON: To ensure that the site is suitable for its intended end use and development work will not cause pollution of ground and surface waters both on and off site, in accordance with - Policy 17 of the Central Lancashire Development Plan

15. The existing hedge on the western boundary to Dunkirk Lane as identified on drawing number DL-04 entitled Proposed Site Plan shall be retained at all times thereafter.

REASON: To ensure the provision and retention of adequate screening in the interest of amenity in accordance with Policy 17 of the Central Lancashire Core Strategy and Policy G17 in the South Ribble Local Plan 2012-2026

16. No work shall be commenced until satisfactory details of the colour and texture of the facing and roofing materials to be used have been submitted to and approved by the Local Planning Authority.

REASON: To ensure the satisfactory detailed appearance of the development in accordance with Policy 17 in the Central Lancashire Core Strategy and Policy G17 in the South Ribble Local Plan 2012-2026

17. The development permitted by this planning permission shall only be carried out in accordance with the approved Flood Risk Assessment (FRA) (Ref: 65161R1_Rev2, dated October 2016) and the following mitigation measures detailed within the FRA:

1. Finished floor levels are set no lower than 17.81 metres Above Ordnance Datum (mAOD), also shown on drawing Ref: DL-11 Rev B
2. Ingress level of the basement is set no lower than 17.81mAOD

The mitigation measures shall be fully implemented prior to occupation and subsequently in accordance with the timing/phasing arrangements embodied within the scheme, or within any other period as may subsequently be agreed, in writing, by the local planning authority.

REASON: To reduce the risk of flooding to the proposed development and future occupants.

RELEVANT POLICY

NPPF National Planning Policy Framework

- 1 Locating Growth (Core Strategy Policy)**
- 4 Housing Delivery (Core Strategy Policy)**
- 5 Housing Density (Core Strategy Policy)**
- 6 Housing Quality (Core Strategy Policy)**
- 17 Design of New Buildings (Core Strategy Policy)**
- 22 Biodiversity and Geodiversity (Core Strategy Policy)**
- 29 Water Management (Core Strategy Policy)**
- POLB1 Existing Built-Up Areas**
- POLF1 Car Parking**
- POLG13 Trees, Woodlands and Development**
- POLG14 Unstable or Contaminated Land**
- POLG16 Biodiversity and Nature Conservation**
- POLG17 Design Criteria for New Development**

Note:

Obscure glazing

1. Five levels of privacy are available, graded from 1 (least obscuration) to 5 (greatest obscuration). The minimum level of a window to be permitted development is 3.