

**Item**                      **10/00502/FUL**

**Case Officer**            **Caron Taylor**

**Ward**                      **Chorley South West**

**Proposal**                **Proposed residential development of 8 dwellings following the demolition of the existing commercial premises (redevelopment of part site only - amendment to previous approval 09/00985/FULMAJ)**

**Location**                **Chorley Motor Auction Cottam Street Chorley PR7 2DT**

**Applicant**                **J.B.Loughlin (contractors) Ltd**

**Consultation expiry: 2 September 2010**

**Application expiry: 23 August 2010**

### **Proposal**

1. The application is a full application for the erection of 8 dwellings following the demolition of the existing on site commercial premises and domestic garages.
2. An application was approved on the site in May this year. This was an outline permission for 15 affordable dwellings and covered a larger site area than the current application as it included the site currently occupied by Prontaprint. Prontaprint have a number of years left on their lease and so to progress the site the applicants now propose to develop the 8 plots the subject of this application is isolation. The remainder of the site occupied by Prontaprint will be developed in its own right once it becomes available. Although the previous approval was outline it approved the access, layout and the principle of redeveloping the site for housing.
3. The site occupies 0.151hectares (as opposed to the site covered by the previously approved application that was 0.254 hectares).

### **Recommendation**

4. It is recommended that this application is granted planning permission, subject to conditions and a Section 106 legal agreement.

### **Main Issues**

5. The main issues for consideration in respect of this planning application are:
  - Principle of Proposed Residential Development
  - Impact on the Neighbours' amenities
  - Highway Safety and Traffic
  - Section 106 Agreement
  - Ecology

### **Representations**

6. 1 letter of objection has been received from 10 Lichfield Road, a bungalow opposite the site, on the grounds that people will park opposite their drive. When people do this they cannot get their car into their garage.

### **Consultations**

7. **Director of People and Places** has no objection subject to suitable conditions.
8. **Planning Policy** has commented in respect of Policy HS7 (see main body of report).

9. **United Utility** have no objection subject to various conditions/ informatives
10. **Lancashire County Council (Ecology)** has no objection subject to appropriate conditions
11. **The Architectural Design and Crime Reduction Advisor** has commented on security issues for the future dwellings

## **Assessment**

### Proposed Residential Development

12. The site is allocated within the local plan under Policy HS7 which relates to redevelopment for housing. The site consists of old buildings, which have historically been in employment use. The two storey building currently used by Prontoprint that formed part of the previous application does not form part of the current application site. Policy HS7 states that in the interests of sustainability it is important to retain employment opportunities within town centres at locations well served by public transport and close to residential areas. However certain sites and existing uses can cause significant amenity and environmental problems. The Policy identifies such sites where favourable consideration will be given for residential development and this site is included within the list of identified sites.
13. The site falls to be considered previously developed land in accordance with advice contained in PPS3 which is the preferred location for residential development.
14. The site also benefits from an extant outline planning permission for housing and as such it is considered that in principle the redevelopment of the site for residential purposes has been established. Although the proposal is not now for affordable housing, as it was previously, the number of dwellings proposed is below the threshold for the requirement of affordable housing. The Council cannot therefore insist that all or some of the dwellings are provided as affordable.

### Design and Appearance

15. The area surrounding the application is predominantly residential with a mixture of terraced, semi-detached and detached dwellings including two-storey properties and bungalows.
16. The submitted proposals incorporate the erection of six dwellings along Lichfield Road accommodated in a single row of terraced properties (of two different house types) and the erection of a single pair of semi-detached dwellings at the rear of the site accessed between the side of the row of terraces and the existing Prontaprint building.
17. The dwellings will be two-storey (with an approximate eaves height of 5.1 metres and an approximate ridge height of 7.8 metres). There are a range of properties in the immediate area including bungalows at nos. 5 and 10 Lichfield Road, however the majority of properties are two-storey. Although the two-storey properties on Lichfield Road are mainly semi-detached, the site will be viewed in the context of Coventry Street which runs down to Pall Mall which is a street of terraced properties, as are the other streets that lead to Pall Mall to the east of the site. The proposed scheme of a mix of two-storey terraced properties with a pair of semi's to the rear is therefore considered acceptable in keeping with the area.

### Impact on the Neighbours' amenities

18. The proposed layout is identical to that approved by application 09/00985/OUTMAJ in May this year for this part of the site, which is extant. This is a material consideration in determining the application. It is not considered that there has been any change in policy since this approval in relation to the Council's interface guidelines. It is therefore not considered that the proposed dwellings will adversely impact on the amenities of the existing or future residents. The further details included as part of this full application (appearance, scale and landscaping) are considered acceptable.

### Highway Safety and Traffic

19. The access to the site also remains as per approved by the previous application with a 4m wide shared access drive between the row of proposed properties and the existing Prontaprint building leading to small parting court for the rear properties. The row or terraces will have frontage parking along Lichfield Road. The parking provision level remains identical to the

outline permission approving layout with 12 parking spaces being provided in total. The previous approval accepted this level of parking at 150% for 2/3 bed properties as the site is located within a very sustainable location close to Chorley Town Centre and alternative modes of transport. The properties currently proposed all have 2 or 3 bedrooms. 10% of the parking bays are set out for the mobility impaired. This level of parking is considered to be acceptable for this sustainable location.

20. A resident who lives at no. 10 Lichfield Road has objected to the scheme on the grounds that people will park outside the proposed properties. When people park there they cannot get their car into their garage. However, there are no double yellow lines on this part of Lichfield Road so people can park there now. In addition, the development of the site would only continue the existing housing development on the northwest side of Lichfield Road down further on this side of the road and result in a similar arrangement between facing properties. It is not considered the resulting relationship with no. 10 is an unusual or unacceptable relationship in a residential area.

#### Section 106 Agreement

21. The Section 106 Agreement will also include a clause requiring £10,616 for the provision of equipped play space within the Borough.

#### Ecology

22. The proposals involves the demolition of existing buildings on site and the application is accompanied by a Bat Survey in respect of the existing buildings on site. The Ecologist at Lancashire County Council has reviewed this document and has not raised any objection subject to suitably worded conditions/ informatives.

#### **Overall Conclusion**

23. The site is a brownfield, sustainable location. There is already an extant permission approving the same access and layout as now proposed for this part of the site that is a material consideration in determining this application. The additional details of appearance, scale and landscaping provided with this application are considered acceptable subject to appropriate conditions.

#### **Other Matters**

##### Sustainability

24. The first policy document, Sustainable Resources DPD, within Chorley's new Local Development Framework (LDF), the new style Local Plan, was adopted in September 2008. As such the scheme will be required to achieve a minimum 15% reduction in energy consumption and accord with Code for Sustainable Homes.
25. The application was accompanied by a Sustainability Statement. Planning Policy considers that sufficient information has been provided to demonstrate compliance with criterion (a) of Policy SR1 subject to conditions.

#### **Planning Policies**

##### National Planning Policies:

PPS1, PPS3, PPS9, PPS22, PPS23

##### Adopted Chorley Borough Local Plan Review

Policies: GN1, GN5, GN9, EP17, EP18, HS4, HS7.3, TR1, TR4

##### Supplementary Planning Guidance:

- Design Guide

##### Chorley's Local Development Framework

- Policy SR1: Incorporating Sustainable Resources into New Development
- Sustainable Resources Development Plan Document
- Sustainable Resources Supplementary Planning Document

## Planning History

**9/78/913-** New Roof to Existing Garage. Approved October 1978

**9/82/604-** Change of Use of Tyre Depot to Health Club. Approved November 1982

**03/01327/ADV-** Display of internally illuminated fascia sign, two flat signs and sign on yard entry. Approved March 2004

**09/00985/OUTMAJ-** Outline application for the erection of 15 affordable dwellings, following the demolition of the existing commercial premises

## Recommendation: Permit Full Planning Permission Conditions

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

*Reason: Required to be imposed by Section 51 of the Planning and Compulsory Purchase Act 2004.*

2. The approved plans are:

Plan Ref.	Stamp Dated:	Title:
09/120/P02	18 June 2010	Proposed Site and Location Plan
09/120/P03	18 June 2010	House Type Plans & Street Scenes
10/120/F02	18 June 2010	Plot Division Fence

*Reason: To define the permission and in the interests of the proper development of the site.*

3. The development hereby permitted shall only be carried out in conformity with the proposed ground and finished floor levels shown on the approved plan(s) or as may otherwise be agreed in writing with the Local Planning Authority before any development is first commenced.

*Reason: To protect the appearance of the locality and in the interests of the amenities of local residents and in accordance with Policy Nos. GN5 and HS4 of the Adopted Chorley Borough Local Plan Review.*

4. The position, height and appearance of all fences and wall to be erected shall only be carried out in conformity with the details shown on approved plans 09/120/P02 and 10/120/F02 or as may otherwise be agreed in writing with the Local Planning Authority before any development is first commenced.

*Reason: To protect the appearance of the locality and in the interests of the amenities of local residents and in accordance with Policy Nos. GN5 and HS4 of the Adopted Chorley Borough Local Plan Review.*

5. Surface water must drain separate from the foul and no surface water will be permitted to discharge to the foul sewerage system.

*Reason: To secure proper drainage and in accordance with Policy Nos. EP17 of the Adopted Chorley Borough Local Plan Review.*

6. All planting, seeding or turfing comprised in the approved details of landscaping shown on approved plan 09/120/P02 shall be carried out in 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, unless the Local Planning Authority gives written consent to any variation.

*Reason: In the interest of the appearance of the locality and in accordance with Policy No GN5 of the Adopted Chorley Borough Local Plan Review.*

7. The development hereby permitted shall not commence until samples of all external facing materials to the proposed dwellings (notwithstanding any details shown on previously submitted plans and specification) have been submitted to and approved in writing by the Local Planning

Authority. The development shall only be carried out using the approved external facing materials.

*Reason: To ensure that the materials used are visually appropriate to the locality and in accordance with Policy Nos. GN5 and HS4 of the Adopted Chorley Borough Local Plan Review.*

8. The development hereby permitted shall not commence until full details of the colour, form and texture of all hard ground- surfacing materials (notwithstanding any such detail shown on previously submitted plans and specification) have been submitted to and approved in writing by the Local Planning Authority. The development shall only be carried out in conformity with the approved details.

*Reason: To ensure a satisfactory form of development in the interest of the visual amenity of the area and in accordance with Policy Nos. GN5 and HS4 of the Adopted Chorley Borough Local Plan Review.*

9. The development hereby permitted shall be carried out in accordance with the bat mitigation proposals set out within Section 5 of the Bat Survey undertaken by ERAP Consultant Ecologists dated 30th January 2010.

*Reason: To ensure the continued protection and enhancement of bats. In accordance with Government advice contained in PPS9 and Policy EP4 of the Adopted Chorley Borough Local Plan Review.*

10. No development shall take place until details of the proposed surface water drainage arrangements have been submitted to and approved by the Local Planning Authority in writing. No part of the development shall be occupied until the approved surface water drainage arrangements have been fully implemented.

*Reason: To secure proper drainage and to prevent flooding and in accordance with Government advice contained in PPS25: Development and Flood Risk*

11. Prior to the commencement of the development a report to identify any potential sources of contamination on the site and where appropriate, necessary remediation measures, shall be submitted to and approved in writing by the Local Planning Authority. The report should include an initial desk study, site walkover and risk assessment. If the initial study identifies the potential for contamination to exist on site, the scope of a further study must then be agreed in writing with Local Planning Authority and thereafter undertaken including details of the necessary remediation measures. The development shall thereafter only be carried out following the remediation of the site in full accordance with the measures stipulated in the approved report.

*Reason: In the interests of safety and in accordance with Government advice contained in PPS23: Planning and Pollution Control*

12. If, during development, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing with the Local Planning Authority) shall be carried out until the developer has submitted, and obtained written approval from the Local Planning Authority for, an amendment to the Method Statement detailing how this unsuspected contamination shall be dealt with.

*Reason: To protect the environment and prevent harm to human health by ensuring that the land is remediated to an appropriate standard for the proposed end use and in accordance with Government advice contained in PPS23: Planning and Pollution Control.*

13. Before the development hereby permitted is commenced a scheme and programme for the site enabling and construction phase of the development shall be submitted to and approved in writing by the Local Planning Authority. The scheme and programme shall cover: 1) Site/construction access points for each part of development. 2) Site compound and contractor parking and management of contractors parking. 3) Construction operating hours including deliveries and site construction staff. The approved scheme and programme shall be implemented in accordance with the approved details.

*Reason: To ensure the access used for construction traffic is appropriate in highway safety terms and to ensure that noise and disturbance resulting from hours of operation and delivery does not adversely impact on the amenity of existing residents.*

14. No phase or sub-phase of the development shall commence until a Design Stage assessment and related certification has been submitted to and approved in writing by the Local Planning Authority demonstrating that the proposed development will be constructed to achieve the relevant Code for Sustainable Homes level. All dwellings commenced after 1st January 2010 will be required to meet Code Level 3, all dwellings commenced after 1st January 2013 will be required to meet Code Level 4 and all dwellings commenced after 1st January 2016 will be required to meet Code Level 6. In accordance with Policy SR1 of the Sustainable Resources DPD, renewable or low carbon energy sources must be installed to reduce the predicted carbon emissions of the development by at least 15% (increasing to 20% from 2015). To demonstrate that this has been achieved, the Design Stage certification must show that the proposed development will achieve 2 credits within Issue Ene 7: Low or Zero Carbon Technologies. The approved details shall be fully implemented and retained in perpetuity unless otherwise agreed in writing by the Local Planning Authority.

*Reason: To ensure the proper planning of the area. In accordance with Government advice contained in Planning Policy Statement: Planning and Climate Change - Supplement to Planning Policy Statement 1 and in accordance with Policy SR1 of Chorley Borough Council's Adopted Sustainable Resources Development Plan Document and Sustainable Resources Supplementary Planning Document.*

15. No dwelling shall be occupied until a Code for Sustainable Homes 'Post Construction Stage' assessment has been carried out and a final Code Certificate has been issued certifying that the required Code Level and 2 credits under Issue Ene7 has been achieved and the certificate has been submitted to and approved in writing by the Local Planning Authority.

*Reason: To ensure the proper planning of the area. In accordance with Government advice contained in Planning Policy Statement: Planning and Climate Change - Supplement to Planning Policy Statement 1 and in accordance with Policy SR1 of Chorley Borough Council's Adopted Sustainable Resources Development Plan Document and Sustainable Resources Supplementary Planning Document.*

**Please note:** it is advised that the proposed dwellings incorporate the following features from a security perspective:

1. Doors- Comply with BSI PAS 24 - 1999 'Doors of Enhanced Security' glazing to be a minimum of 6.5mm laminated glass.
2. Windows- All windows should conform to 'improved security' window standard BS7950. Vulnerable windows on the ground floor should be fitted with minimum 6.5mm laminated glass.
3. Intruder Alarms- All properties should be fitted with an intruder alarm with PIR covering the ground floor to comply with BS4737.
4. Lighting- Security lights to be fitted to the front entrance door area and on the rear of each property.

**Please note:** It is advised that vegetation clearance works, demolition work and other works which may affect nesting birds should be avoided during the bird breeding/ nesting season (March to August inclusive)

**Please note:** the following comments from United Utilities:

1. Surface water should discharge to the soakaway/ watercourse/ surface water sewer and may require the consent of the Environment Agency;
2. The applicant must discuss full details of the site drainage proposals with John Lunt tel: 01925 537174;
3. If the sewers on this development are proposed for adoption then the developer should contact our Sewers Adoption Team on 01925 428266;
4. A water main crosses the south of the site. As we need access for operating and maintaining it we will not permit development in close proximity to the main. We will require an access strip of no less than 5 metres wide measuring at least 2.5 metres either side of the centre line of the pipe;
5. Any necessary disconnection or diversion required as a result of any development will be carried out at the developers expense. Under the Water Industry Act 1991, Sections 158

and 159, we have the right to inspect, maintain, adjust, repair or alter our mains. This includes works incidental to any of those purposes. If a diversion is required the applicant must discuss this at an early stage with our Regional Mains Division Team 01925 773444;

6. A water supply can be made available to the proposed development. A separate metered supply to each unit will be required at the applicants expense and all internal pipework must comply with current water supply (water fittings) regulations 1999;
7. The applicant should contact our Service Enquiries on 0845 746 2200 regarding connection to the water mains/ public sewers.

**Please note: The Desk Study Report** should include a desk study and site reconnaissance (walk over) in accordance with the recommendations in Planning Policy Statement 23: Planning and Pollution Control 2004. Further guidance and advice on producing the report can be obtained from the Councils Contaminated Land Officers on 01527 515737/515661.

**Please note:** The proposed development lies within an area which could be subject to current coal mining or hazards resulting from past coal mining. Such hazards may currently exist, be caused as a result of the proposed development, or occur at some time in the future. These hazards include:

- Collapse of shallow coal mine workings.
- Collapse of, or risk of entry into, mine entries (shafts and adits).
- Gas emissions from coal mines including methane and carbon dioxide.
- Spontaneous combustion or ignition of coal which may lead to underground heatings and production of carbon monoxide.
- Transmission of gases into adjacent properties from underground sources through ground fractures.
- Coal mining subsidence.
- Water emissions from coal mine workings.

Applicants must take account of these hazards which could affect stability, health & safety, or cause adverse environmental impacts during the carrying out their proposals and must seek specialist advice where required. Additional hazards or stability issues may arise from development on or adjacent to restored opencast sites or quarries and former colliery spoil tips.

Potential hazards or impacts may not necessarily be confined to the development site, and Applicants must take advice and introduce appropriate measures to address risks both within and beyond the development site. As an example the stabilisation of shallow coal workings by grouting may affect, block or divert underground pathways for water or gas.

In coal mining areas there is the potential for existing property and new development to be affected by mine gases, and this must be considered by each developer. Gas prevention measures must be adopted during construction where there is such a risk. The investigation of sites through drilling alone has the potential to displace underground gases or in certain situations may create carbon monoxide where air flush drilling is adopted.

Any intrusive activities which intersect, disturb or enter any coal seams, coal mine workings or coal mine entries (shafts and adits) require the prior written permission of the Coal Authority. Such activities could include site investigation boreholes, digging of foundations, piling activities, other ground works and any subsequent treatment of coal mine workings and coal mine entries for ground stability purposes.

Failure to obtain Coal Authority permission for such activities is trespass, with the potential for court action. In the interests of public safety the Coal Authority is concerned that risks specific to the nature of coal and coal mine workings are identified and mitigated.

The above advice applies to the site of your proposal and the surrounding vicinity. You must obtain property specific summary information on any past, current and proposed surface and underground coal mining activity, and other ground stability information in order to make an assessment of the risks. This can be obtained from The Coal Authority's Property Search Service on 0845 762 6848 or at [www.groundstability.com](http://www.groundstability.com)