

Item 2 **09/00335/OUT** **Outline App Permitted with Legal Agmnt**

Case Officer **Caron Taylor**

Ward **Chisnall**

Proposal **Outline application for new two storey dwelling attached to 57 Charter Lane (specifying access, appearance and layout)**

Location **57 Charter Lane Charnock Richard Chorley PR7 5LY**

Applicant **Mrs Sandra Wareing**

Proposal: The proposal is an outline application for new two-storey dwelling attached to 57 Charter Lane (specifying access, appearance and layout).

Background: The application site is a piece of land on Charter Lane between no. 57 (the end property of a row of three terraces) and Charnock Richard Football Club.

Summary: The principle of a dwelling on the site is acceptable. The design of the proposed dwelling has been amended to be more in keeping with the existing row of terraced properties and a low boundary wall introducing at the front to enhance its appearance in the street.

Planning Policy: GN4: Settlement Policies for Other Rural Settlements
HS9: Residential Extensions in Settlements Excluded from the Green Belt.
HDG: Householder Design Guidance Supplementary Planning Document
EP20: Noise
HS4: Design and Layout of Residential Developments

Planning History: There is no planning history relevant to the current application.

Consultations: Charnock Richard Parish Council
Object as the proposals would result in a dwelling too close in proximity to the adjacent football club which is a licensed building, including an entertainments license. This would result in noise nuisance issues. The Parish Council is also concerned that the proposed dwelling is on the land not entirely in the ownership of the applicant.

Planning Policy/Urban Design
The erection of a single dwelling on the site is acceptable in principle provided the proposal would complement the character and setting of the existing buildings. However, there are some reservations about the proposal.

It is considered that to set the building back is purely to accommodate two parking spaces and not so the 'building can be read in its own right' as the design and access statement suggests. Good urban design would dictate that the architectural treatment of the proposal should continue the terrace and not stand out in its own right. The character of the terrace is made up of the continuous building line, the verticality of the windows and

doors, the rhythm created by the repetition of windows, doors and chimneys and the consistency of materials. This proposal ignores this by; introducing a wider frontage with square windows, omitting the chimney detail, losing the articulation/emphasis of the door and introducing an 'alien' toilet window.

Another important element of the traditional character of these terraces is the front wall/hedge boundary treatment to the front gardens, which is already being undermined along this road. The proposal will compound this problem as hedges will be lost and hardstanding created to the front of two properties to the detriment of the soft landscape character of the streetscene.

The width of the dwelling should be reduced, a chimney added and the proportions and positioning of the windows and doors carried through in this proposal. This could allow for parking to be provided alongside the dwelling. It is also suggested that more details of the front garden/forecourt treatment be provided including the retention of low walls, hedges and gates as far as practicable. Perhaps accommodating one car per dwelling would allow some form of acceptable boundary treatment would be a practical compromise.

LCC Highways

State the requirements for the sightlines from the site and that there are obstructions in both directions that would prevent this.

Coal Authority

Standing advice.

Environmental Services

Recommend an informative.

Representations: Four representations have been received to the application.

An objection has been received from no. 55 Willow Drive, the property to the rear of the site, on the grounds of overlooking and loss of privacy as the proposed building will overlook the rear of their property. A house in the proposed position would also block their last remaining open vista.

No. 61 Charter Lane questions how the new property will be able to put their bins out as no. 57 has already blocked the access off to the rear of the houses. In addition, the new property should resemble the three existing properties. From the current plans this does not seem to be the case.

Charnock Richard Football Club have also commented on the application and asked that the close proximity of the proposed new dwelling to the football club be taken into account as it will inevitably lead to complaints about noise emanating from the club unless the building is adequately insulated against such problems. This is likely to be more serious during warm weather when club windows and doors may be open.

Charnock Richard United Charities object to the application as the proposal would result in a dwelling being erected on land which is not in the ownership of the applicant (being their land) a fact which has not been clearly stated on the planning application.

Assessment:Principle of a Dwelling

The site is within the settlement of Charnock Richard covered by policy GN4. This policy states that development of infill sites will be allowed in rural settlements, an infill site will typically be no larger than an open (wall to wall) gap between two buildings of 40m. The site is situated between an existing terrace property and the pavilion building of Charnock Richard Football Club, a distance of approximately 10m. The proposal is therefore acceptable in principle.

Design and Appearance

The Council's Urban Designer has commented on the proposal and the agent has amended the plans in line with their comments. This includes lining the front elevation, rear elevation and ridge of the proposed dwelling through with the existing property, matching the window proportions and door detailing to the row of terraces and adding a chimney. It is considered that the scheme is now acceptable in design terms, as the proposed property will reflect the rest of the existing terrace, subject to suitable materials.

The proposed property will have a 1m access down the side for bins to be brought to the roadside for collection.

Neighbour Amenity

The application proposal will extend the row of three existing terraces by adding a further property on the end. To the north is the single storey building of the Football Club with only doors and high level obscure glazed windows in the side elevation facing the property. To the south the property will be attached to no. 57 which is owned by the applicant. It is not considered the proposed property will impact unacceptably on this dwelling, especially as the rear elevation is now lined through with the rear elevation of no. 57 as requested. Opposite the site is open land and parking belonging to the Football Club.

The main impact of the proposal will be to the nearest properties on Willow Drive, to the rear of the site. No's 34 and 55 bound with the application site. No. 34 is a detached property with its end gable facing towards the site. This property has no first floor windows in the elevation facing towards the site and a single flat roofed garage on its side boundary to the south. No's 55 and 53 are a pair of semi-detached dormer bungalows. No. 55 has a two-storey side extension with a Juliet balcony at first floor level. No's 55 and 57 are at a marginally higher level than the application site. In terms of interface distances there is 10.5m between the rear first floor windows of the proposed properties and the boundary with no's 55 and 34. This is in line with the Council's Householder Design Guidance. In relation to the first floor there will be approximately 24m between the first floor windows of the proposed dwelling and the first floor window with Juliet Balcony and first floor rear windows of no. 55. This exceeds the adopted interface guidelines and it therefore considered acceptable.

Representations have been received relating to possible noise disturbance to the proposed property from the Football Club building. The Environmental Protection Section has been consulted on this matter and they state they have no record of noise complaints regarding events being made against the adjacent Football Club. Charnock Richard Football Club holds a premises licence which sets out the hours of operation and also

states that to prevent public nuisance from 00.30-02.00 hours Friday and Saturday recorded music is to be played at a background level so that it is inaudible to the nearest neighbour. It would appear that the majority of the part of the building where potentially entertainment would take place is the furthest away from the proposed development.

Based on the above points the Environmental Protection Section would have no objections to the proposal but would suggest that if the proposal was approved that consideration was given to providing acoustic double glazing to the two gable end windows of the proposed property to protect the future occupants. The original submitted plans showed two windows in the end gable facing the Football Club building, one at ground floor level, which serves a lounge, and one at first floor level. Therefore Environmental Protection does not consider the dwelling could be refused on noise grounds. However, they suggest that acoustic double glazing be added to the windows.

The amended plans have removed the ground floor window in the end gable of the proposed property, which is considered a reasonable precaution. The first floor window in the gable only serves a bathroom.

Highways/Traffic

Lancashire County Highways have stated what the sight lines should be and that there are obstructions at present in the visibility splay. The plans show the telegraph pole to be relocated and this can be the subject of a condition. The amended plans now show the fencing and hedge to be removed outside the visibility splay to it can be achieved and although a small front boundary wall is introduced following the comments of the Urban Designer, this is only 600mm in height, so does not impinge on visibility while improving the design. The proposal is therefore considered acceptable in terms of highway visibility.

The original proposal before amended showed two parking spaces being created in front of the property and another in front of no. 57 the existing property (which does not require planning permission). The Council would normally require two off road spaces for a new three-bedroom property. However, due to the availability of on street parking in this location it is considered that the Council could relax this standard, as accommodating one car parking space for each of the properties would allow some form of low boundary treatment in keeping with some of the other terraces along the row as well as a small front garden/planted/grassed area that would break up the hard standing created for the two properties. The amended plans therefore show one parking space but a low front boundary treatment is introduced which improves the scheme in the streetscene.

Other

There have been a number of representations relating to ownership issues on the site. The applicant has signed Certificate A however Charnock Richard United Charities state that part of the land is in their ownership. The case officer wrote to the agent regarding this matter who has amended the red edge of the application to omit the disputed land.

Public Open Space

There is a requirement for a commuted sum towards public open space on all new dwellings such as this, which can only be secured through a Section 106 Agreement.

Conclusion: The application is recommended for approval subject to conditions and the signing of a S106 Agreement for Public Open Space.

Recommendation: Outline App Permitted with Legal Agmnt Conditions

1. An application for approval of the reserved matters (namely the 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.

Reason: Required to be imposed by Section 92 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

2. The development hereby permitted shall not commence until samples of all external facing materials to the proposed building(s) (notwithstanding any details shown on previously submitted plan(s) and specification), including samples to be used for the 600mm high new brick boundary wall to the front of the property, 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 of the Adopted Chorley Borough Local Plan Review.

3. Notwithstanding the details of the submitted plans, the proposed driveway shall be constructed using permeable materials on a permeable base, the details of which shall be submitted to and approved by the Local Planning Authority prior to the commencement of the development. The development shall be carried out using the approved materials and shall be retained thereafter, unless otherwise agreed in writing by the Local Planning Authority.

Reason: To ensure a satisfactory form of development and to prevent an undue increase in surface water run off. In accordance with Policy No. GN5 and EP18 of the adopted Chorley Borough Local Plan Review.

4. Before the development hereby permitted is first commenced, full details of the position, height and appearance of all fences and walls 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.

Reason: To ensure a visually satisfactory form of development, to provide reasonable standards of privacy to residents and in accordance with Policy No. HS4 of the Adopted Chorley Borough Local Plan Review.

5. Before the dwelling hereby permitted is occupied the telegraph pole shall be relocated to the position as shown on drawing 08/131/PO1 Rev A or another location as agreed to in writing by the Local Planning Authority.

Reason: To ensure adequate parking, maneuvering and visibility for the dwelling hereby approved and in accordance with Policy HS4 of the Adopted Chorley Borough Local Plan Review.

6. Before the dwelling hereby permitted is first occupied, the car parking space shall be surfaced or paved, drained and marked out in accordance with the approved plan. The

car parking space shall not thereafter be used for any purpose other than the parking of and manoeuvring of vehicles.

Reason: To ensure adequate on site provision of car parking and manoeuvring areas and in accordance with Policy No. TR8 of the Adopted Chorley Borough Local Plan Review.

7. The development hereby permitted shall only be carried out in accordance with the details set out within the Design and Access Statement dated 5th May 2009.

Reason: To provide a satisfactory form of development and in accordance with Policies GN5 and HS4 of the Adopted Chorley Borough Local Plan Review.