

Item 10 **09/00541/FUL** **Refuse Full Planning Permission**

Case Officer **Mrs Helen Lowe**

Ward **Chorley North East**

Proposal **Demolition of existing bungalow and erection of 8 two storey detached dwellings with associated garages and infrastructure**

Location **4 Ewell Close Chorley PR6 8TT**

Applicant **Mr Darren Brown**

Summary The main issues to consider in determining the application are impact on neighbour amenity, design and appearance, impact on highway safety and ecology.

Planning Policy GN1: Settlement Policy – Main Settlements
GN5: Building Design and Retaining Existing Landscape Features
EP9: Trees and Woodlands
EP18: Surface Water Runoff
HS4: Design and Layout of Residential Development
HS6: Housing windfall Sites
HS21: Playing Space Requirements
TR4: Highway Development Control Criteria

Chorley into 2016: Sustainable Resources DPD
Supplementary Planning Guidance Design Guidance

PPG3
PPG9

Planning History No relevant planning history

Consultees Responses

LCC Highways: In principle there is no objection to this development however the details would need a number of minor amendments: some driveways need lengthening to 6m between the garage door and the back of the footway; driveway to plot 8 does not work with 90° bend in it, this will result in the vehicle being left on the road, the driveway arrangements to plots 2 and 3 are difficult to enter/exit at the angle shown, this will result in extreme manoeuvres on the highway to gain access, these should be improved.

United Utilities: no objection to the proposal provided that the site is drained on separate system, with only foul drainage connected to the foul sewer.

Neighbourhoods: Desk top study seems satisfactory – however there are a couple of omissions
Firstly the historical maps appear to be missing. Secondly, there does not appear to be any assessment of the geology, hydrogeology and hydrology - these are required for a desk study.

LCC Ecology: The following information should be provided before the application is determined: results of emergence surveys for bats; a full tree survey and potential impacts upon species of importance.

Planning Policy: comments awaited

MAPS – Chorley Community Safety Partnership:
Comments awaited

Arboricultural Officer: comments awaited

Third Party Representations

To date 13 letters of objection have been received from neighbouring residents. They make the following comments:

- Eight properties are too many. The density of the development is not in keeping with the existing density on the estate, it is over development;
- There is not enough room to park cars off the road (there are already problems with on street parking in the area);
- Where will contractors/builders vehicles park, there is no room on site. Also noise and disturbance from builders;
- The type and size of the proposals imposes on existing properties. There should be less houses and more bungalows;
- Highway safety of the estate as a whole (exiting onto Blackburn Road);
- The property footprints are forward of existing building lines;
- Who owns the land between the conifers in front of 4 Ewell Close and the back of the footpath? Is it highway verge?
- Bats have been regularly seen in the area;
- How will existing areas of open space cope with additional properties;
- There should be a 2.4m by 6m sightline from Ewell Close onto Dorking Road, the proposal sites houses, trees and driveways on this.
- Loss of privacy, increased overlooking and loss of light;
- Would lead to a reduction in natural drainage and increase in flooding;
- The proposed garage will block light to our property (13 Dorking Road);
- Would restrict our ability to extend our property;
- Additional on road parking would make it difficult for refuse collection and emergency vehicle access;
- It is not in keeping with the design of the existing area, should only build single storey properties;
- Development should follow existing building lines;
- Would attract vandals and anti-social behaviour;
- Current water system and utilities may be unable to cope;
- Impact on wildlife.

Assessment

In accordance with Planning Policy Statement 3: Housing, the site is considered to be previously developed land. Previously developed land is land, which is or was last occupied by a permanent structure including the curtilage of the developed land and any associated fixed surface infrastructure. PPS3 encourages the redevelopment of previously developed land as opposed to

developing Greenfield land. As such the principle of redeveloping the site for residential development accords with Government guidance. As the proposal is only for one dwelling, there is no affordable housing requirement.

Design and appearance

The density of the proposed development would be in line with Government Guidance in PPG 3 that a minimum of 30 dwellings per hectare should usually be appropriate (8 dwellings on 0.25ha equals 32 dwellings per hectare). However, the character of the surrounding area is of a less dense nature. It is considered that the topographical characteristics of the site and relationship with neighbouring existing properties would make a higher density than the surrounding properties difficult to achieve. The design and appearance of the proposed dwellings is considered to be acceptable, subject to the use of suitable materials. There are a wide variety of different house types, design and materials within the surrounding area.

The removal of the leyandii hedge is considered to enhance the character of the area.

Neighbour Amenity

In terms of the relationship between properties within the site the Council's interface standards have not been met on the majority of the plots.

There is a difference in levels across the site – it falls from north to south along Ewell Close and from north east to south west along Dorking Road. Properties facing the site along Dorking Road are true bungalows, with ground floor levels set slightly lower than that of the road. Along Ewell Close, two storey houses face the application site. Adjacent to the north boundary there is a split level dwelling at no. 6 Ewell close with a number of windows and rooflights facing the application site and a two storey dwelling with a blank gable facing the site at no. 13 Dorking Road. At present a mature conifer hedge surrounds most of the site (apart from the driveway entrance and adjacent to the front of no. 6 Ewell Close). This is proposed to be entirely removed, however no indication of the proposed boundary treatments have been shown along the northern boundary of the site.

The councils interface standards require that there is a minimum distance of 21m between windows to habitable rooms at first floor level from any such facing windows in neighbouring houses. Where the proposed slab levels are 0.5m or more above that of neighbouring houses, the spacing guideline should be increased by 1m for every 0.25m difference in slab levels. Although the properties are bungalows on Dorking Road it is considered appropriate to apply this guideline. As stated above a number of these properties (particularly those directly opposite the site) are set slightly lower than the road, although finished floor levels have not been provided for these properties. The minimum distance between facing windows of the existing bungalows and proposed dwellings is approximately 22 m – between plot 4 and no. 16 Dorking Road, other distances are greater. Some of these relationships could be considered unsatisfactory, however insufficient information is currently available in order to make a full assessment. Further details on levels have been requested from the applicant and will be made available to the Committee.

It is also considered that the positioning of the garage on plot 8 would have a detrimental impact on the occupants of no. 13 Dorking Road, as it would be forward of the front elevation of their property. The position of the dwelling on plot 1 also gives rise to concern in terms of its relationship to no. 6 Ewell Close.

Highway Safety

LCC Highways have advised that the proposed parking arrangements are unsatisfactory in a number of respects. Additionally the Draft RSS Policy for parking standards requires that three bedroom property should have two off road parking spaces and a four bedroom property should have 3. None of the four bedroomed properties proposed have this level of parking. Manual for Streets advises that a garage should have internal dimensions of 3m by 6m in order for it to be considered to a parking space (this is allow residents to have storage space for bicycles etc. as well as a car).

Ecology

Recent case law has emphasised the importance of the Local Planning Authority giving due consideration to the three tests in 1994 Regulations for European Protected species when deciding whether to grant planning permission for a development which could harm a European Protected Species (such as bats). The three tests (which also relate to the granting of licences) are that: the activity to be licensed must be for imperative reasons of overriding public interest or for public health and safety; there must be no satisfactory alternative and favourable conservation status of the species must be maintained.

The applicant has provided a bat survey with the application. This concludes that there is potential for bats to roost here and it would be hard to confirm they never do, in order to ensure this development falls within the law some provision for bats needs to be made in the new build. Precautions during construction would also need to be put in place and a further dusk survey should be carried out in July. Works should ideally not commence during the summer months.

Having regard to the comments received from LCC Ecology it is considered that further survey work needs to be carried out and further information needs to be provided before the Council can be satisfied that the development would not cause unduly harmful impacts on protected species and habitats.

Other issues

The applicant has confirmed verbally that the land to the west of the site is in fact owned by the applicant. Confirmation is awaited.

A draft s106 agreement to secure play space contributions is currently being prepared by the Council's Legal Services section.

The applicant has provided information to show how the proposals meet the requirements of policy SR1. Comments from Planning Policy are awaited.

The use of permeable/porous ground surfacing materials could be secured by condition.

The noise and disturbance caused during construction is considered to be transitory and it is considered that it would be unreasonable to attach conditions restricting hours of operation or parking of vehicles due to the fact that there are no particularly sensitive land uses nearby (such as an elderly persons home) and the small size of the site.

Conclusion

It is considered that the proposal should be refused on the grounds of highway safety, impact on the amenities of future occupants, impact on neighbouring properties and insufficient information to determine ecological impacts

Recommendation: Refuse Full Planning Permission

Reasons

1. The proposed development, by reason of its size, siting , topography and the restricted plot dimensions, would result in a cramped form of development, out of character with the surrounding area and adversely affecting the amenities which occupiers of neighbouring and proposed property could reasonable expect to enjoy through overshadowing aand overlooking. The proposal does not therefore accord with policies GN5, HS4 and HS6 of the Adopted Chorley Borough Local Plan Review and adopted Supplementary Planning Guidance Design Guidance.

2. The proposed development does not allow for the adequate provision of off street parking, due to the size and positioning of driveways and garages which could lead to additional on street parking and hazardous manoeuvres, thereby harming highway safety. The proposal does not therefore accord with policies HS4, HS6 and TR4 the Adopted charley Borough Local Plan Review and the Draft RSS policy for Parking Standards.

3. The applicant has failed to adequately demonstrate that the proposal would not cause any undue harm to a European Protected Species and the proposal is therefore contrary to PPS9.
