

**Item 1**                      **09/00640/FUL Permit (Subject to Legal Agreement)**

**Case Officer**            **Mrs Helen Lowe**

**Ward**                        **Chorley North East**

**Proposal**                    **Demolition of existing bungalow and erection of 7 two storey detached dwellings with associated garages and infrastructure (resubmission of application 09/00541/FUL)**

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

**Applicant**                 **Mr Darren Brown**

**Application no. 09/00640/FUL**

**This application is going to chairs brief as it proposes the erection of 7 dwellings. Consultation Expiry: 6<sup>th</sup> October 2009 (site notice) and 19<sup>th</sup> October 2009 (neighbour letters)**

**Application Expiry: 27<sup>th</sup> October 2009**

**Proposal**                    This application proposes the demolition of one existing dwelling and the erection of 7 two storey detached dwellings with associated garages and infrastructure.

**Location**                   4 Ewell Close, Chorley

**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**        09/00541/FUL Demolition of existing bungalow and erection of 8 two storey detached dwellings with associated garages and infrastructure  
Withdrawn 10<sup>th</sup> August 2009

**Consultees Responses**    LCC Highways: comments awaited  
United Utilities: comments awaited  
Neighbourhoods: are satisfied with the contents of the desk top study and agree that the risk of contamination is low. However, should during the course of the development, any suspected

contaminated material be discovered then the development should cease until such time as further remediation proposals have been submitted to an approved in writing by the Local Planning Authority.

LCC Ecology: comments awaited

Planning Policy: comments awaited

MAPS – Chorley Community Safety Partnership: comments awaited

Arboricultural Officer: comments awaited

### **Third Party Representations**

To date 15 letters of objection have been received from neighbouring residents and one letter from the director of a housing association which owns a neighbouring property. They make the following comments:

- Density is not in keeping with the area;
- The proposed garages are not large enough to accommodate a family sized car;
- The proposal will lead to an increase in on road parking;
- Noise and disturbance during the building period;
- Loss of privacy and increased overlooking, particularly for the Bungalows on Dorking Road that are not presently overlooked;
- Increased traffic will lead to noise and disturbance;
- There will be a negative impact on highway safety;
- Overload on utilities such as water and gas;
- Houses are too close to the pavement – will upset building lines and architectural rhythms. They will be too prominent within the street scene;
- Two storey houses would be overwhelming and oppressive;
- Loss of natural drainage;
- The loss of the conifers will affect water table and stability of existing properties;
- Will overload the drainage systems;
- Impact on wildlife including bats;
- The plans were not discussed with neighbours ahead of the application being made;
- The developer should provide some amenity for locals e.g. a small play area;
- There should be an obligation to provide some smaller affordable houses for young people;
- The garage at plot 7 will block light to our garden – would this development stop us extending our house in the future.

### **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 a net gain of 6 dwellings, there is no affordable housing requirement.

## **Design and appearance**

The density of the proposed development would be slightly less than Government Guidance in PPG 3 that a minimum of 30 dwellings per hectare should usually be appropriate (7 dwellings on 0.25ha equals 28 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 leylandii hedge is considered to enhance the character of the area.

## **Neighbour Amenity**

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, finished floor levels have been provided for these properties. The applicant has amended the plans so that the finished floor levels of the proposed dwellings mean that all the minimum interface standards would be met. The closest properties would be the dwelling at plot 4 and no. 16 Dorking Road, there would be a distance of 21m between these properties. The finished floor level of the proposed dwelling would be 0.459m higher than that of the bungalow. The distances between all of the other proposed dwellings and the bungalows all exceed the distances required (taking into account differences in levels). The windows affected in the bungalows are to the front of the properties and clearly visible from the road and public view.

The bungalows on Dorking Road, are not however, overlooked by any dwellings at present and the proposed development would result in a considerable change from the present situation. There

would undoubtedly be an intensification in the level of overlooking that would occur. With regard to the effect of the proposal on the bungalows on Dorking Road, this is a finely balanced decision, however it is considered that it would be difficult to sustain a refusal on the grounds of loss of privacy and overlooking to these properties as the minimum interface standards are met and the windows affected are clearly visible from the highway.

With regard to the impact of the proposals on the amenity of residents on Ewell Close, again the interface standards are met. Number 11 Dorking Road is due west of plot 3 and is set lower than the proposed dwelling, however, the ground floor facing window is screened by planting and the dwelling at plot three is set at an angle to number 11.

## **Highway Safety**

The submitted draft RSS Parking Standards require that a four bedroomed dwelling should be provided with three off road parking spaces. Each dwelling has been provided with a garage and a driveway that can accommodate at least two cars. The single garages would have an internal dimension of 2.6m by 4.8m. The integral garage and two adjoining garages are slightly larger. Manual for Streets advises that garage should have internal dimensions of 3m by 6m to be considered to be a parking space.

## **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 two bat surveys and an ecological survey with the application. The first bat survey concluded that there was potential for bats to roost here and it would be hard to confirm they never do, 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. The second survey carried out a further dusk emergence survey and a dawn re-entry survey. No evidence of roosting bats was found and it is considered very unlikely that a significant bat roost is present. There remains low risk that gaps between loose roofing tiles could be infrequently used. It is recommended that care is taken during the demolition of the building and loose roofing tiles and wooden hanging tiles are dismantled by hand. If any evidence of bats is found work should immediately halt and further advice sought.

The ecological survey concluded that in its current form the bungalow and garden of the application property has a very low ecological and nature conservation value and displays negligible potential value for the support of Species of Principal Importance of UK BAP Priority Species. Clearances of conifers, shrubs and

localised ivy should take place outside of the bird breeding season (mid March to mid August). The landscaping scheme should favour planting of native tree and shrubs in clusters. Close boarded fences should not be the boundary treatment. Bat and bird boxes should be installed in the retained conifers.

It is not considered that the applicant's choice of boundary treatment could be restricted as such fences could be erected without the need for planning permission. The landscaping scheme proposed accords with the suggestions made by the ecologist and other matters can be secured by condition.

## **Other issues**

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 person's home) and the small size of the site.

## **Conclusion**

Subject to the receipt of no objections from consultees and the receipt of a signed section 106 agreement the proposal is accordingly recommended for approval.

## **Recommendation: Permit (Subject to Legal Agreement) Conditions**

1. 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) 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.*

2. 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, to ensure that there is not an undue increase in surface water run-off and in accordance with Policy Nos. GN5, HS4 and EP18 of the Adopted Chorley Borough Local Plan Review.*

3. 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.*

4. In accordance with the recommendations set out in the Conclusions and Recommendations of the Bat survey Results dated 31<sup>st</sup> August 2009, any loose roofing tiles and wooden hanging tiles should be dismantled by hand.

*Reasons: In the interests of species protection and in accordance with Policy EP4 of the adopted Chorley Borough Local Plan Review and PPG9*

5. No development shall take place until a scheme for the installation of bat and bird boxes on the site (as required in the recommendations contained in paragraph 4.6 of the Ecological Survey and Assessment) has been submitted to an approved in writing by the Local Planning Authority.

*Reasons: In the interests of species protection and in accordance with PPG9 and policy EP4 of the Adopted Chorley Borough Local Plan Review.*

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