

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**

Members will recall that this application was reported at the last Development Control Committee, but a decision was deferred until the period neighbour consultation had expired and all consultation responses had been received. As a number of comments were reported on the addendum and have subsequently been received a new report is included below. An amended plan has been received in response to the comments raised by residents and members at the last committee meeting.

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

PPS1
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Withdrawn 10th August 2009

Consultees Responses *LCC Highways*: have reservations on the proposal mainly due to the poor existing site lines for the new properties. Five of the properties access directly onto a bend on Dorking Road which adversely affects each of the. Furthermore there are evergreen

trees on the boundaries of neighbouring properties (i.e. nos. 11 & 13 Dorking Road) that affect sight lines but to which the applicants have no control over. Plot 3 accesses almost directly on to the Ewell Close/Dorking Road junction and the westward sightline here is very poor due to the presence of the evergreen trees bordering No. 11 as mentioned above. Object to this proposal for these reasons and also on the grounds of 5 new accesses being created on to a particularly unsuitable part of the highway where none existed before.

Members should note that when the previous application was submitted no objection in principle was raised by LCC Highways to the proposal and only a number of minor amendments to the position and size of driveways and garages suggested.

The change in advice on highway matters is a concern that members should have regard to as decision makers. Advice on appeal is that planning authorities should carefully consider the advice from the highway authority in reaching a decision. In this instance due to a change of highway advice the comments on all but plot 3 are open to criticism and may not be substantiated on appeal. Plot 3 could be amended to provide an access onto Ewell Close and as such the access to this plot could be removed and required to be reconsidered.

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: 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: The proposed development appears to comply with relevant policies and guidance. Planning conditions will be necessary to ensure compliance with the above policies and guidance. been felled and further details of the proposed hedgerow.

- **European Protected Species: bats**

According to the bat survey (Kingdom Ecology, August 2009) there is very little likelihood of a significant bat roost being present within the existing bungalow. The proposals should therefore have no impact upon the population status of bats locally. However, there is always a chance that individual bats could be present under roof tiles or the hanging tiles on the western gable end.

The consultant has therefore recommended that loose roofing tiles and wooden hanging tiles should be dismantled by hand. If the presence of bats is suspected at any time then works should cease immediately and Natural England should be contacted for advice. This should be implemented through planning condition.

- **Breeding Birds**

Habitats on the site, including existing buildings, have the potential to support nesting birds. It needs to be ensured that detrimental impacts on breeding birds are avoided.

- *Habitat connectivity*

The above policies require maintenance and enhancement of habitat connectivity. It will therefore be appropriate to ensure that curtilage boundaries allow the movement of wildlife.

- **Mitigation/compensation and biodiversity enhancement**

The ecological consultant has made a number of recommendations in order that the proposals contribute towards the key principles of biodiversity planning policy (section 4.5 of the ecology report). These include the planting of native tree and shrub species, the planting of garden plants of value to biodiversity, and the installation of bat and bird boxes on retained trees. The Planning, Design and Access Statement includes the intention to plant a native species boundary hedge. This intention is supported, it should be noted that laurel is not native and box, whilst native very locally in southern England, would not naturally occur in this area.

MAPS – Chorley Community Safety Partnership: ask that the properties have burglar alarms fitted and laminated glass to the ground floor external panes of the double glazed units.

Arboricultural Officer: no objection to removal of leylandii hedge

Planning Policy and Urban Design Team Leader

Detailed Design Comments

The character of the area is a mix of 2 storey, largely detached dwellings and bungalows (where land rises). Materials include red brick, concrete pantiles, painted render and hanging tiles. Garages tend to be integral. The gardens are open plan to the frontages, largely delineated with shrubs and hedges.

Accordingly, the set back of proposed properties is characteristic of the area as is the proposed open plan nature of the front gardens. However, the architectural style does not appear to reflect that of the locality and I would like to see more explanation as to how this layout and design has evolved.

Generally it appears that the applicant has sought to squeeze as many identical units onto the site as possible with little recognition of the site characteristics such as the influence of levels, and principles of good design practice.

For plots 4,5 and 6 the driveways are too long, 13m, 15m and 15m respectively (if one includes the garages 4 cars can be accommodated) with the result that hardstanding over-dominates the streetscene. The design of house type plot 1, although a more efficient use of land with an integral garage, would be improved if the garage were stepped back as opposed to forward. A garage should not dominate an elevation.

A design solution which incorporated some semi-detached units would increase the number of units contributing to a higher density and more interesting streetscene. I have provided a draft layout which demonstrates how this could work. I would like to stress that it is not necessary to strictly adhere to separation distances within the development as future residents know what they are buying into and privacy/amenity can be safeguarded through imaginative floor layouts.

Cllr Edgerley also asked that the following issues be considered:

My ward colleagues and I are not opposed to the principle of development but are concerned about a number of aspects as follows.

The number of properties seems essentially to have been derived from PPG3 but as the report says the surrounding estate is of a less dense nature. Should that less dense nature not be more pertinent in determining the density of this development?

In addition the development on this site would also seem to be constrained by

- the triangular shape of the site
- the topography; in particular the difference in level compared with the existing bungalows on Dorking Road
- existing dwellings around the site.

It strikes us that these all make it difficult to achieve satisfactory relationships with the existing properties given the number and type of dwellings proposed. The report seems to suggest that 4 bedroom houses make it difficult to meet the guidance on garage provision in the manual for streets. Does this not suggest a reduction in either the number of dwellings or a reduction in the size of dwellings or both?

The report deals with the relationship with bungalows on Dorking Road and highlights the difference in levels as a cause for concern. Would this concern not be more adequately met by bungalows on this part of the site? Elsewhere on Dorking Road there are existing houses opposite existing bungalows but the separation is greater, the fall in levels is less and the gables of the bungalows not their windows face the houses. These all make the relationship better. These standards cannot be met at the application site so perhaps active consideration to bungalows should be given.

In the report dealing with the earlier withdrawn application there was reference to an unsatisfactory relationship of a garage to No 13 Dorking Road. This relationship seems to have been improved a little but would it not be improved more by having an integral garage and taking the building line further back into the site?

Third Party Representations

To date 25 letters of objection have been received from neighbouring residents (multiple letters have been received from one household) 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.
- There is no economic need for more executive style 4 bed detached houses;
- Plot 2 on Ewell Close is at an incongruous angle to the rest of the road and should be repositioned;
- There should be a fixed schedule of works under penalty to prevent piecemeal development;
- The conifer hedge is a valuable wildlife resource;
- The development must be with minimum disturbance;
- In reality this particular site is hardly brownfield;
- Concerns regarding road safety at the junction of Ewell Close and Dorking Road;
- Not enough parking is being provided;
- Extra cars parked on the road, walls, trees and hedges will obstruct visibility;
- The care home at number 20 gives rise to vehicles being parked on the road and continual traffic;
- It would be difficult to park cars on the driveway at plot 7;
- There would not be enough distance between plot 3 and no. 12 & no. 14 Dorking Road;
- The distance between plot 4 & no. 16 Dorking Road appears to be less than 20m;
- Object to the loss of the highway verge;
- Under the LCC Residential Road Guide Dorking Road would be classed as a Type 4A road and Ewell Close a Type 5A road. The sightline for such a junction should comprise of a sightline envelope measured from a point 2.4m into Ewell Close to a point 60m to the left on Dorking Road. The proposed development sites house, trees and drives within the envelope;
- What is the timescale for development;
- Current water systems are unable to cope and mains services are under strain;
- The estate junction onto Blackburn Road is unsafe;
- All the proposed properties on Dorking Road appear to be in front of the building line of existing properties, this gives a terracing and overbearing effect;

- The proposed front gardens are small – some within 4m of the public pathway;
- Most of the front windows are bay windows - is this being taken into account in the measurements;
- There appears to be a shortfall in the minimum requirement of 21m, the lower slab level of the bungalows needs to be taken into account.

Two letters of support have been received, one from an occupant of the application property and one from outside of the Borough.

Assessment

A number of changes have been made to the proposals since the application was last reported to Committee. These are:

- All garages have been amended in size so that their internal dimensions are at least 3m by 6m;
- Finished floor level details have been provided for the facing bungalows on Dorking Road;
- The floor level of plot 4 has been reduced by 0.45m.

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

PPS1 states that design policies should avoid unnecessary prescription and should concentrate in guiding the overall scale, density, massing, height, landscape, layout and access of new development in relation to neighbouring building and the local area more generally. Local Planning authorities are advised not to attempt to impose architectural styles or particular tastes.

The comments of the Planning Policy & Design Urban Design Team Leader indicates that the design could be more interesting and reflect the locality. He also advocates possibly increasing the density by including semi-detached properties. The balance of design and density could be made worse by a higher density scheme.

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.

Recent appeal decisions in the Borough (for example at 54 Lancaster Lane) have highlighted the advice in PPS3 that the density of existing development should not dictate that of new housing by stifling change or requiring replication of existing style or form. This is supported by Policy HS4 of the Local Plan. The development of the site with detached housing is not out of

character with the surrounding area. Although the properties immediately opposite on Dorking are bungalows, other housing on Ewell Close and Dorking Road are two storey detached dwellings.

The positioning of plot 2 at an angle to Ewell Close, rather than the front elevation being parallel to Ewell Close as existing dwellings and the proposed plot 1 do is somewhat incongruous, however, it is not considered that this would be sufficient reason to warrant refusal of the proposals.

The removal of the leyandii 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 site plan's do appear to allow for the dining room bay windows to be included in the house plans, even if extra distance is allowed for the projection of the lounge/bed 1 bay windows (0.5m), the interface standards are still all met. Moving the position of dwelling further to the rear on plot 7 (which is adjacent to no. 13 Dorking Road) would result in an unsatisfactory relationship (interface standards would not be met) with plot 1 to the rear and no. 6 Ewell Close. The position of the garage complies with the 45 degree plus 3m guidelines taken from the nearest ground floor window of no. 13 Dorking Road.

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 applicant has provided amended plans of the proposed garages, now with internal dimensions of 6m by 3m. All dwellings are now considered to have at least three off road parking spaces in accordance with the draft RSS Parking Standards.

At the time of writing the report the applicant was currently liaising with LCC Highways to overcome the objections made.

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 persons home) and the small size of the site.

It may be easier to meet the relevant interface standards with bungalows on the site, however, the choice of type of dwellings on the site is not a matter that the Council can impose upon the applicant (this is supported by case law). The interface standards are the means by which the council can seek to ensure the amenities of neighbouring residents.

Conclusion

Subject to the resolution of the highway objections 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 31st 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 and 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.

6. 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 and EM2 of the Adopted Chorley Borough Local Plan Review.

7. No development shall take place until a scheme detailing the on-site measures to be installed and implemented so as to reduce carbon emissions, by the figure set out in policy SR1 of the Sustainable Resources DPD at the time of commencement of each individual plot, by means of low carbon sources has been submitted to and approved in writing by the Local Planning Authority. The submitted scheme shall also include full details of the predicted energy use of the development expressed in terms of carbon emissions (If no data specific to the application is available benchmark data will be acceptable) and how energy efficiency is being addressed, for example, amongst other things through the use of passive solar design. 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 Policies EM16 and EM17 of the North West Regional Spatial Strategy and Policy SR1 of Chorley Borough Council's Adopted Sustainable Resources Development Plan Document and Sustainable Resources Supplementary Planning Document.

8. No development shall take place until a scheme to demonstrate and provide full details of how the design and layout of the buildings will withstand climate change has been submitted to and approved on writing by the Local Planning Authority. The details

shall include details of the proposed Code for Sustainable Homes Level, how the proposals minimise energy use and maximise energy efficiency. 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 of the Codes for Sustainable Homes. 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 Policies EM16 and EM17 of the North West Regional Spatial Strategy and Policy SR1 of Chorley Borough Council's Adopted Sustainable Resources Development Plan Document and Sustainable Resources Supplementary Planning Document.
