

Item 4 **10/00431/FUL**

Case Officer **Liz Beard**

Ward **Wheelton And Withnell**

Proposal **Erection of 1 no. detached and 1 pair semi detached houses**

Location **Former Victoria Mill Building 10m South West Of 23 Millbrook Close Wheelton**

Applicant **Mr Mark Spellman**

Consultation expiry: 7 July 2010

Application expiry: 28 July 2010

Proposal

1. The application is for the erection of three dwellings on the site of the Victoria Mill in Wheelton. The site is accessed via Blackburn Road, and is surrounded by residential dwellings on Millbrook Close.
2. The proposal is for 1 no detached dwelling and 1 pair of semi detached dwellings.
3. This is a resubmission of a previous scheme ref. 09/00327/FUL which was refused on appeal.

Recommendation

4. It is recommended that this application is granted conditional outline planning approval subject to the associated Section 106 Agreement

Main Issues

5. The main issues for consideration in respect of this planning application are:
 - Principle of the Development
 - Employment Land
 - Highway Safety
 - Impact on the Neighbours
 - Design and Layout

Representations

6. Four letters of objection have been received which raise the following issues:
 - Property will be overlooked.
 - Loss of light.
 - Previously single storey building, a two storey building will obscure light and block our view of trees.
 - Concerns over increase in vehicle movements that will be created. Lead to an accident, difficulty for emergency vehicles and general unrest as residents are not able to go about their daily business (getting in and out of Millbrook Close) without difficulty.
 - Difficult right hand bend to negotiate especially in the evening and weekend when resident's cars parked on roads.
 - Difficulty with refuse collection vehicle carrying out its duties.
 - Leaving more space on the site by not building garages is a false economy in our views. Occupiers of the properties will require storage of some sort and will therefore either apply to erect garages at a later date or build sheds and storage units thereby decreasing the available space for vehicles.

- Difficulty for emergency vehicles to access the site.
 - Due to the on-street parking and 90 degree blind corner then concerns over pedestrian safety, especially young children.
 - Larger vehicles, especially emergency vehicles, will find it difficult to negotiate the corner.
 - Three houses on the site will increase the possibility of at least 6 cars.
 - Millbrook Close is not able to cope with the increase in cars.
 - The area has already had several extensions made to the surrounding houses and the erection of semi detached houses and detached houses would give a very overcrowded aspect to an already overcrowded area.
7. Wheelton Parish Council still have concern over access on Millbrook Close. This development could mean there could potentially be an extra ten vehicles trying to find parking spaces in an already congested area.

Consultations

8. Corporate Director (Neighbourhoods)- no comments have been provided.
9. Lancashire County Council (Highways)- no comments have been provided.
10. Chorley's Waste & Contaminated Land Officer- no comments have been provided.

Assessment

Principle of Development

11. The site is previously developed, brownfield land, and was previously occupied by an industrial building known as the Victoria Mill. There was a single storey building on site, but this has since been demolished and the site has been cleared.
12. Previously developed land is defined as land which is or was occupied by a permanent structure including the curtilage of the developed land and any associated fixed surface infrastructure. PPS3 encourages the development of this type of land.
13. The planning history on this site goes back to April 2007 where an application for 4 dwellings was refused by the Council and subsequently dismissed on appeal, as the site would constitute a cramped form of development and was considered overdevelopment.
14. Outline permission was granted on the site in April 2008 for the erection of two dwellings. The outline application related to layout and access and incorporated two detached dwellings. In April 2009 a full application for two dwellings was subsequently approved.
15. A further application was submitted in April 2009 (ref 09/00327/FUL) for the erection of three dwellings. This was refused by Committee and subsequently dismissed at appeal. The Inspector stated that the proposal would conflict materially with the Saved Policy HS4 of the Local Plan Review as it would not provide safe and convenient access for cyclists and pedestrians before the needs of vehicle movement and parking.
16. However, the principle of residential development of the site has been established by planning applications 08/00256/OUT and 09/00130/FUL.

Employment Land

17. The site was previously used for industrial purposes therefore it needs to be considered under Saved Policy EM4 of the Adopted Local Plan Review. This policy requires applicants to demonstrate that the site cannot be re-used for employment and demonstrate that the proposed use would result in a significant improvement to local amenity.
18. The first application that was submitted in 2007 was refused as the applicant did not provide evidence, which demonstrated that a suitable employment reuse could not be accommodated. However, the applicants appealed this decision, and whilst the Inspector dismissed the appeal the Inspector agreed with the appellants in respect of the policy tests and considered that in

respect of criterion (c) of Saved Policy EM4 that a non-employment use may be permitted if this would result in a significant improvement to local and visual amenity.

19. The subsequent applications for two houses were considered to comply with criterion (c) of Saved Policy EM4. However, the most recent application 09/00327/FUL was refused as the proposal would create a cramped form of development and lead to the overdevelopment of the site. It was considered that the applicants did not demonstrate that the proposed use would result in a significant improvement to the amenity and visual amenity, and therefore did not comply with criterion (c) of Saved Policy EM4.
20. The applicants appealed against the above decision, and although the Inspector dismissed the appeal she specifically stated in paragraph 6 of the appeal decision APP/D2320/A/09/2117724. 'In my view the appeal proposal would not appear unacceptably cramped in comparison with the neighbouring residential development' She then goes on to say; 'On-balance, therefore, I conclude that the proposed development would not have a materially harmful effect upon the character and appearance of the surrounding area.'
21. The Inspector's decisions are a material consideration when assessing this proposal. In view of the above, that the site is not considered to be unacceptably cramped or have a harmful effect on the character and appearance of the area, it is considered that a residential development of three dwellings would therefore be acceptable, and the development therefore complies with criterion (c) of the Saved Policy EM4.

Highway Safety

22. The previous application, which was the subject of an appeal (ref. 09/00327/FUL), was dismissed because the Inspector felt that way the driveways and garages were positioned, causing difficulty in cars manoeuvring safely. The Inspector said that it would not provide safe and convenient access for cyclists and pedestrians, before the needs of vehicle movement and parking.
23. There have been changes made to this scheme in relation to the comments made in the appeal decision. The two garages proposed for the semi detached houses have been removed from the scheme and only driveways have been provided adjacent to Plot 1. The driveway has also been reconfigured to enable drivers to reverse within the site and access the site, onto Millbrook Close, forwards.
24. In relation to Plot 3, the detached dwelling, the garage has been retained, but the driveway has been reconfigured and a turning area has been added in. This will enable the occupiers to reverse within the site and also leave the site forwards onto Millbrook Close.
25. It is considered that this is an improvement to the previous scheme, and will ensure cars can safely manoeuvre on the site, and access the site forwards instead of reversing onto Millbrook Close.

Impact on the Neighbours

26. The application site is surrounded by residential dwellinghouses, and concerns have been raised in relation to overlooking and loss of light.
27. The layout of the development is exactly the same as the previous scheme (application 09/00327/FUL) apart from the garage on plot 2 has been omitted. In the committee report for this application it states that the properties have been orientated to ensure the Council's Spacing Standards are achieved which ensures that the amenities of the existing and future residents are maintained.
28. There have been no changes to the Council's Spacing Standards since the last application was determined and therefore the same applies. As such it is not considered that the proposals will lead to overlooking or the loss of light and will not have a detrimental effect on the amenity of the neighbours.

Design and Layout

29. The proposal is for the erection of two storey properties which will be rendered. The nature of the area is characterised by two storey rendered properties and as such the design of this proposal will fit in with the surrounding area.
30. The site area is 0.0864 hectares, which results in a density of 34.72 units per hectare. This is the same as the previous proposal which was refused in accordance with PPS3. As previously mentioned the application was refused, and the applicant's appealed against the decision. However the Inspector stated in her decision that 'In my view the appeal proposal would not appear unacceptably cramped in comparison with the neighbouring residential development'
31. Since the appeal decision PPS3 has been revised and with regards to the issue of density it states that '.. the density of existing development should not dictate that of new housing by stifling change or requiring replication of existing style or form. If done well, imaginative design and layout of new development can lead to more efficient use of land without compromising the quality of the local environment.'
32. Given both the statement from PPS3 and the statement in the Inspector's decision, which is a material consideration, that the proposal is of an acceptable design and the layout is also acceptable.

Section 106 Agreement

33. There is no open space/play space being provided on site therefore a financial contribution of £3,981, towards the provision of off-site space in the vicinity is required. The developer has agreed to this and to entering into a Section 106 agreement.

Overall Conclusion

34. The previous proposal on this site was the subject of an appeal, and the Inspector dismissed it. The principle and layout of the actual housing was considered appropriate, but the way the driveways/garages were configured was not acceptable. This scheme has made changes to these and is considered a more acceptable design solution.

Planning Policies

National Planning Policies:

PPS1, PPS3 and PPG13

North West Regional Spatial Strategy

DP1, DP4, DP7, RDF1, W3, L4, and RT9

Adopted Chorley Borough Local Plan Review

GN1, GN5, GN9, EP17, EP18, HS4, HS6, HS21, TR4, and TR18

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

07/00478/OUT Outline application for the redevelopment of the site comprising of the demolition of the existing industrial units and the erection of 4 semi-detached dwellings. Refused, and appeal dismissed.

08/00256/OUT Outline application for the erection of 2 no detached dwelling houses following the demolition of the existing industrial unit. Approved April 2008.

09/00130/FUL Erection of two detached dwellings and one detached single garage. Approved April 2009.

09/00327/FUL Erection of 1 no detached and 1 pair semi detached houses. Refused June 2009 and the appeal was dismissed 16 March 2010.

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