

**Item** 10/00417/FULMAJ

**Case Officer** Mr Matthew Banks

**Ward** Clayton-le-Woods And Whittle-le-Woods

**Proposal** Erection of 13 dwellings and associated infrastructure (following demolition of no. 202 Chorley Old Road)

**Location** 202 Chorley Old Road Whittle-Le-Woods Lancashire PR6 7NA

**Applicant** Wainhomes (North West) Ltd

**Consultation expiry: 16 July 2010**

**Application expiry: 25 August 2010**

### **Proposal**

1. This application seeks permission to erect 13 dwellings and associated infrastructure (following the demolition of No. 202 Chorley Old Road).

### **Recommendation**

2. Approve, subject to conditions.

### **Main Issues**

3. This application is a re-submission of two previously refused applications 09/00392/FULMAJ and 10/00055/FULMAJ, the first of which was subject to appeal which was dismissed and the planning inspectors report dated 12 May 2010. The Inspector's decision letter is a material consideration in determining this application.

It is therefore considered that the current application will be assessed against the Inspectors comments from the application 09/00392/FULMAJ as the issues have already been considered within a public enquiry. Therefore, the main issues for consideration in determining this application are the impact on neighbour amenity and recent policy shifts concerning Brownfield and Greenfield land.

### **Representations**

4. To date (27 July 2010), 27 neighbour objections have been received. The comments are summarised as follows:
  - The proposal will result in additional parking on Chorley Old Road;
  - Visibility splays can barely be achieved at the site;
  - Public transport provision in the area is poor;
  - The proposal is on Greenfield site, priority should be previously developed land;
  - The proposal will result in overlooking and loss of privacy to the surrounding bungalows;
  - Impact on trees and ecology;
  - The proposal is out of character in terms of scale and design;
  - Chorley Old Road could not cope with the increase in traffic ;
  - The development will cause additional noise in the area;
  - The demolition of 202 Chorley Old Road will leave 200 Chorley Old Road looking oddly shaped and awkward;
  - The proposal will overload the drains and sewerage system;
  - The proposal could increase the risk of flooding;
  - There is no shortage of housing in the area and Chorley's housing needs have already been met;
  - The site will be overdeveloped;
  - The proposal will add pressure to local schools, doctors and dentists.

5. An objection letter has been received from Councillor Walker who is the local ward Councillor for the area. Councillor Walker's objections are summarised as follows:
  - Chorley Old Road could not cope with the increase in traffic ;
  - The proposal will result in additional parking on Chorley Old Road including footway parking which will cause hazards and inconvenience to pedestrians;
  - The site is not in a sustainable location;
  - Visibility splays are barely achieved;
  - The proposal is on Greenfield site, priority should be previously developed land;
  - Varied levels on the site will result in overlooking and the impact on privacy and amenity of the surrounding properties;
  - The proposal will result in damage to the mature adjacent trees;
  - The proposed dwellings will be out of character and out of scale in the surrounding area.
6. A letter has been received from Lindsay Hoyle MP in response to a question raised by a constituent concerning the submission of the current application following the refusal of a similar scheme by a Planning Inspector (application ref: 09/00392/FULMAJ). A response has been sent to both the constituent and Mr Lindsay Hoyle MP explaining the situation.

### **Consultation**

7. United Utilities – No objection subject to conditions
8. Parish Council – Object to the proposal; Overlooking, impact on the streetscene, only bungalows would be suitable. Impact on Chorley Old Road and quality of life of local residents. Over-development of the site. Request a committee site visit and traffic survey
9. Environment Agency – No objection subject to conditions
10. Environmental protection – No objection subject to conditions
11. Chorley Community Safety Partnership – request the properties incorporate measures in relation to crime prevention. These could be covered by condition.

### **Assessment**

12. The application site comprises a piece of land approximately 0.5 hectares in size lying to the east of Chorley Old Road, between the rear gardens of the bungalows on Chorley Old Road and Little Quarries to the west of the site. To the south of the application site are the gardens of the properties on Chorley Old Road and to the north are the bungalows on St Helens Road. The site is within the settlement boundary of Whittle-le-Woods and the area immediately to the west bounding the site is allocated as Safeguarded Land. Public Footpath 25 bounds the site immediately to the west. The site is elevated in relation to Chorley Old Road and the bungalows that back onto the site. The part of the appeal site that is made up of 202 Chorley Old Road and its curtilage is now considered Greenfield Land along with the rest of the application site.

### **Summary and Analysis of issues**

13. It must be noted that the current scheme is predominately the same as the one that went to Public Inquiry, the changes being the removal of plot 3; changing plots 4 and 14 to bungalows and changing the house type at plot 5.
14. This report will therefore assess the current application in light of the appeal decision and will consider any relevant policy changes that have may have taken place. It must be noted that the only reasons for refusal upheld at appeal was the impact of the proposal on neighbour amenity. The other reasons for refusal and grounds for objection from residents were dealt with by the inspector, or could be overcome by imposing conditions. The inspector concluded that four of the fourteen dwellings proposed would cause unacceptable harm to the living conditions of the occupants of neighbouring dwellings which constituted the reason for refusal. If the impact on these properties can be overcome as a result of this application and there are no new circumstances to consider, there will be no grounds upon which to oppose the development of this site.

15. Assessing the current application in line with the inspector's comments, the dwellings proposed on plots 3, 4, 5 and 14 were considered unacceptable.
16. Plot 3 was considered to have an unacceptable impact on No. 12 St Helens Road due to overlooking from first floor windows. However, in the current scheme, plot 3 has been entirely removed from the site layout which has overcome this issue.
17. The relationship between plot 4 and No. 12 St Helens Road was considered to be unacceptable as plot 4 would have first floor windows that would face this property causing an unacceptable relationship. As such, plot 4 is now a bungalow which has overcome this issue.
18. It was considered the flank wall of the house on plot 14 was also found to have an unacceptably overbearing impact on the property No. 200 Chorley Old Road due to the level difference. This plot has also been changed to a bungalow, therefore overcoming this reason for refusal.
19. The Inspector considered plot 5 to have an unacceptably overbearing impact to No. 12 St Helens Road due to the land level differences, particularly concerning the long rear elevation of the house on plot 5. The house type at plot 5 has now been amended from a Montgomery house type to a Stephenson house type. The amended house type now has a single storey attached double garage rather than one which has a two storey element above. It is now considered that the rear elevation of the Stephenson house type nearest No. 12 St Helens Road will appear far less intrusive to the occupiers of this property, therefore overcoming this reason for refusal.
20. It has been noted that there have been recent shifts in both national and local policy that differ from when the Inspector's comments were issued. This is with specific reference to Planning Policy Statement 3: Housing (PPS3) which essentially now means that private residential gardens are now considered Greenfield land, rather than Brownfield land and the change in definition now removes any additional presumption in favour of the development of garden land.
21. Despite these changes, the overarching issue of Greenfield land was covered in the Inspector's report which concluded that the use of the site for development would not prejudice the priority given to the development of previously developed (Brownfield) land. It has been noted that the application site is predominately a Greenfield site not within a garden and that only a small portion of the site includes the garden of No. 202 Chorley Old Road. Furthermore, there are no houses proposed on this part of the site which will only provide access to the development. As such, given the comments from the inspector and indeed the nature of the changes in both national and local policy. The circumstances of this particular application are not so significant as to warrant a different view from that of inspector and refuse the application on these grounds.

### **Overall Conclusion**

22. In line with the appeal decision dated 12 May 2010, it is considered that the proposed development has been amended to satisfy the previous reasons for refusal as concluded by the inspector. It is now considered that four of the fourteen dwellings that would have caused unacceptable harm to the living conditions of the occupants of the neighbouring dwellings have now been resolved and as such, there are no further neighbour amenity issues that would warrant a recommendation of refusal.

With regards to the part of the site that comprises the garden of 202 Chorley Old Road (which is now allocated as Greenfield land). It is considered that the use of this garden solely for access to the site, the nature of amended policy and given the comments from the inspector's report, the particular merits of this case would not warrant refusal of the application on these grounds.

As noted by the inspector, other matters raised by third parties can either be dealt with by condition and as such, the application is accordingly recommended for approval subject to conditions.

### Planning Policies

23. National Planning Policies:

Planning Policy Statement 1: Delivering Sustainable Development (PPS1);  
Planning Policy Statement 3: Housing (PPS3)

24. North West Regional Spatial Strategy (RSS)

Policies DP4, L4 & RT2

25. Adopted Chorley Borough Local Plan Review 2003

Policies GN1, GN5, HS4, HS6, HS21 & TR4

26. Other guidance

Chorley into 2016: Sustainable Resources Development Plan Document (DPD)  
Chorley Borough Council Supplementary Planning Guidance: Design Guidance

### Planning History

27. The site history of the property is as follows:

Ref: 09/00392/FULMAJ Decision: REFFPP Decision Date: 19 August 2009  
Description: Erection of 14 two storey dwellings and associated infrastructure (following demolition of no. 202 Chorley Old Road)

Ref: 10/00055/FULMAJ Decision: REFFPP Decision Date: 25 May 2010  
Description: Erection of 14 dwellings and associated infrastructure (following demolition of no. 202 Chorley Old Road)

### Recommendation:

#### Permit Full Planning Permission

#### Conditions

1. The approved plans are:

Stamp-dated on:	Title:	DWG No:
26 <sup>th</sup> May 2010	Proposed Site Layout	09-053
26 <sup>th</sup> May 2010	'Stephenson'	4.203/P/B/L
26 <sup>th</sup> May 2010	'Eton'	4.134/P/B/L
26 <sup>th</sup> May 2010	'Montgomery'	5.133/P/B/L
26 <sup>th</sup> May 2010	'Oxford'	4.309/P/B/L
26 <sup>th</sup> May 2010	'Davy'	4.212/P/B/L
26 <sup>th</sup> May 2010	'Brunel'	4.208/P/B/L
26 <sup>th</sup> May 2010	The Edale	Preliminary
26 <sup>th</sup> May 2010	Richmond Sheet 1 of 2	A1a
26 <sup>th</sup> May 2010	1.8m Screened Fence	SF/01
26 <sup>th</sup> May 2010	1.0m Post & Two Rail Fence	SF/03
26 <sup>th</sup> May 2010	Single Garage Plan and Elevations	GA-02
26 <sup>th</sup> May 2010	Double Garage (Gable Roof) Plans and Elevations	A1b
26 <sup>th</sup> May 2010	Topographical Land Survey	S09/116

*Reason: To define the permission and in the interests of the proper development of the site.*

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 and in accordance with Policy Nos. GN5 and HS4 of the Adopted Chorley Borough Local Plan Review.*

3. The integral/attached garage shall be kept freely available for the parking of cars and shall not be converted to living accommodation, notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995.

*Reason: To ensure adequate off street parking provision is maintained and thereby avoid hazards caused by on-street parking and to ensure a high quality visual environment is maintained and in accordance with North West Plan Partial Review (NWPPR) to Policy RT2 of the Regional Spatial Strategy and Policy No. HS4 of the Adopted Chorley Borough Local Plan Review.*

4. No development shall take place until:

- a. a methodology for investigation and assessment of ground contamination has been submitted to and agreed in writing with the Local Planning Authority. The investigation and assessment shall be carried in accordance with current best practice including British Standard 10175:2001 'Investigation of potentially contaminated site - Code of Practice'. The objectives of the investigation shall be, but not limited to, identifying the type(s), nature and extent of contamination present to the site, risks to receptors and potential for migration within and beyond the site boundary;
- b. all testing specified in the approved scheme (submitted under a) and the results of the investigation and risk assessment, together with remediation proposals to render the site capable of development have been submitted to the Local Planning Authority;
- c. the Local Planning Authority has given written approval to the remediation proposals (submitted under b), which shall include an implementation timetable and monitoring proposals. Upon completion of the remediation works a validation report containing any validation sampling results shall be submitted to the Local Authority.

5. Thereafter, the development shall only be carried out in full accordance with the approved remediation proposals.

6. Should, during the course of the development, any contaminated material other than that referred to in the investigation and risk assessment report and identified for treatment in the remediation proposals be discovered, then the development should cease until such time as further remediation proposals have been submitted to and approved in writing by the Local Planning Authority.

*Reason: To protect the environment and prevent harm to human health by ensuring that the land is remediated to an appropriate standard for the proposed end use, in accordance with PPS23 given the size and sensitive end-use of the proposed development, and the potential for ground contamination to exist as a result of past processes and activities adjacent to the above site.*

7. No development shall take place until a scheme for the provision and implementation of a surface water regulation system has been submitted to and approved in writing by the Local Planning Authority. No part of the development shall be occupied until the approved surface water drainage arrangements have been fully implemented.

*Reason: To secure proper drainage and to prevent flooding and in accordance with PPS25 and Policy No. EP18 of the Adopted Chorley Borough Local Plan Review.*

8. 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.*

9. Before the dwellings hereby permitted are first occupied, the driveways as shown on the approved plans shall be provided for the use of the properties.  
*Reason: To ensure adequate on site provision of car parking and manoeuvring areas and in accordance with North West Plan Partial Review (NWPPR) to Policy RT2 of the Regional Spatial Strategy and Policy No. HS4 of the Adopted Chorley Borough Local Plan Review.*
10. No development shall take place until a scheme of landscaping has been submitted to and approved in writing by the Local Planning Authority, notwithstanding any such detail which may have previously been submitted. The scheme shall indicate all existing trees and hedgerows on the land; detail any to be retained, together with measures for their protection in the course of development; indicate the types and numbers of trees and shrubs to be planted, their distribution on site, those areas to be seeded, paved or hard landscaped; and detail any changes of ground level or landform.  
*Reason: In the interests of the amenity of the area and in accordance with Policy Nos. GN5 and HS4 of the Adopted Chorley Borough Local Plan Review.*
11. All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following the occupation of any buildings or the completion of the development, whichever is the sooner, and any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority gives written consent to any variation.  
*Reason: In the interest of the appearance of the locality and in accordance with Policy Nos. GN5 and HS4 of the Adopted Chorley Borough Local Plan Review.*
12. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (as amended), (Schedule 2, Part 1, Classes A to E), or any Order amending or revoking and re-enacting that Order, no alterations or extensions shall be undertaken to the dwellings hereby permitted on plots 1, 2, 5, 11 and 12, or any garage, shed or other outbuilding erected (other than those expressly authorised by this permission).  
*Reason: To protect the amenities of the surrounding properties on Chorley Old Road and St Helens Road and in accordance with Policy No. HS4 of the Adopted Chorley Borough Local Plan Review.*
13. The development hereby permitted shall only be carried out in conformity with the proposed finished floor levels shown on the approved plan(s).  
*Reason: To protect the appearance of the locality and in the interests of the amenities of local residents and in accordance with Policy Nos. GN5 and HS4 of the Adopted Chorley Borough Local Plan Review.*
14. During the construction period, all trees to be retained shall be protected by 1.2 metre high fencing as specified in paragraph 8.2.2 of British Standard BS5837:2005 at a distance from the tree trunk equivalent to the outermost limit of the branch spread, or at a distance from the tree trunk equal to half the height of the tree (whichever is further from the tree trunk), or as may be first agreed in writing with the Local Planning Authority. No construction materials, spoil, rubbish, vehicles or equipment shall be stored or tipped within the area(s) so fenced. All excavations within the area so fenced shall be carried out by hand.  
*Reason: To safeguard the trees to be retained and in accordance with Policy Nos. EP9 of the Adopted Chorley Borough Local Plan Review.*
15. The development shall not commence until a Design Stage/Interim Code Certificate is submitted to the Local Planning Authority demonstrating that the proposed development will achieve the relevant Code for Sustainable Homes level. All dwellings commenced after 1<sup>st</sup> January 2010 will be required to meet Code Level 3, all dwellings commenced after 1<sup>st</sup> January 2013 will be required to meet Code Level 4 and all dwellings commenced after 1<sup>st</sup> January 2016 will be required to meet Code Level 6. In accordance with Policy SR1 of the Sustainable Resources DPD, renewable or low carbon energy sources must be installed to reduce the predicted carbon emissions of the development by at least 10%. To demonstrate that this has

been achieved, the Design Stage/Interim Code Certificate must show that the proposed development will achieve 1 credit within Issue Ene7: Low or Zero Carbon Technologies. 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.*

16. Notwithstanding the details shown on the submitted plans, the proposed driveway/hardsurfacing to the front of the property shall be constructed using permeable materials on a permeable base, or provision shall be made to direct run-off water from the hard surface to a permeable or porous area or surface within the boundaries of the property (rather than to the highway), unless otherwise agreed to in writing by the Local Planning Authority.

*Reason: In the interests of highway safety and to prevent flooding, in accordance with Policy Nos. GN5 and HS9 of the Adopted Chorley Borough Local Plan Review.*

17. All windows in the first floor of the north elevation of the Stephenson house type hereby permitted on Plot 5 shall be fitted with obscure glass and obscure glazing shall be retained at all times thereafter. The obscure glazing shall be to at least Level 3 on the Pilkington Levels of Privacy, or such equivalent as may be agreed in writing by the local planning authority

*Reason: In the interests of the privacy of occupiers of neighbouring property and in accordance with Policy Nos. GN5 and HS4 of the Adopted Chorley Borough Local Plan Review.*

18. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any Order revoking or re-enacting that Order, with or without modification), no windows other than those expressly authorised by this permission, shall be inserted or constructed at any time at first floor level or above in the north elevation of the of the Stephenson house on Plot 5 type hereby permitted.

*Reason: To protect the amenities and privacy of the adjoining property and in accordance with policy HS4 of the Adopted Chorley Borough Local Plan Review.*

19. All windows in the first floor of the south elevation of the Montgomery house type hereby permitted on Plot 11 shall be fitted with obscure glass and obscure glazing shall be retained at all times thereafter. The obscure glazing shall be to at least Level 3 on the Pilkington Levels of Privacy, or such equivalent as may be agreed in writing by the local planning authority.

*Reason: In the interests of the privacy of occupiers of neighbouring property and in accordance with Policy Nos. GN5 and HS4 of the Adopted Chorley Borough Local Plan Review.*

20. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any Order revoking or re-enacting that Order, with or without modification), no windows other than those expressly authorised by this permission, shall be inserted or constructed at any time at first floor level or above in the south elevation of the of the Montgomery house on Plot 11 type hereby permitted.

*Reason: To protect the amenities and privacy of the adjoining property and in accordance with policy HS4 of the Adopted Chorley Borough Local Plan Review.*

21. Before the dwellings hereby permitted are first occupied, the properties hereby permitted on plots 5,6,7,8 and 9 shall incorporate the following specifications of 'Secured by Design':

- All windows at ground floor level shall conform to the 'improved security' window standard BS7950 and shall be fitted with double glazed panels with laminated glass to the exterior set in BS7950 Secured by Design certified frames;
- The ground floor entrance doors shall comprise 'Secured by Design' enhanced security doors BSI PAS 24-1999;
- Security lights shall be fitted to the front entrance door and on the rear of these properties.

*Reason: To reduce crime and make the properties a safer place to live in.*

22. Before the dwellings hereby permitted are first occupied, all properties shall be fitted with an intruder alarm with PIR covering the ground floor to comply with BS4737 of 'Secured by Design' guidelines.

*Reasons: To reduce crime and make the properties a safer place to live in.*

23. 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.*

24. The development shall only be carried out in accordance with the approved plans, except as may otherwise be specifically required by any other condition of this permission or unless otherwise first agreed to in writing by the Local Planning Authority.

*Reason: To define the permission and in the interests of the proper development of the site*

25. 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 & HS4 of the Adopted Chorley Borough Local Plan Review.*

26. Before the development hereby permitted is first commenced, a scheme (including plans) shall be submitted to make good the gable end of No. 200 Chorley Old Road following the demolition of No. 202 Chorley Old Road (notwithstanding any such detail shown on previously submitted plan(s)). No development shall commence until such a scheme is approved in writing by the Local Planning Authority and the development shall be carried out in accordance with the approved scheme.

*Reason: To ensure a visually satisfactory form of development and to protect the amenities of the occupiers of nearby properties and in accordance with Policy No. GN5 of the Adopted Chorley Borough Local Plan Review.*