

Item 10/00502/FUL

Case Officer Caron Taylor

Ward Chorley South West

Proposal Proposed residential development of 8 dwellings following the demolition of the existing commercial premises (redevelopment of part site only - amendment to previous approval 09/00985/FULMAJ)

Location Chorley Motor Auction Cottam Street Chorley PR7 2DT

Applicant J.B.Loughlin (contractors) Ltd

Consultation expiry: 2 September 2010

Application expiry: 23 August 2010

Proposal

1. The application is a full application for a two-storey development of 8 apartments.
2. This application was withdrawn from July Committee due to errors on the plans. Corrected plans have now been received and the proposed pitch of the roof has also been reduced. Neighbours have been re-consulted on the amended plans.

Recommendation

3. It is recommended that this application is granted planning permission, subject to conditions and a Section 106 legal agreement.

Main Issues

4. The main issues for consideration in respect of this planning application are:
 - Principle of the proposal
 - Appearance, layout and scale
 - Access and parking
 - Impact on neighbour amenity

Representations

5. Six letters of objection has been received to the application. The points raised can be summarised as:
 - Object to the concept of flats in terms of the nature of the area and the traffic management problems that will arise;
 - The proposed vehicle access point to the flats is opposite the health centre in the most congested location on the street which will have an addition effect on highway safety and parking problems;
 - There will be more cars using the junction with Railway Road which will increase the dangers of this junction;
 - One resident states they have no objection to the revised plans (they are more acceptable than the previous submission) but traffic is a major concern. Granville Street is a busy cul-de-sac and many people use it to park for local school, churches and nursery resulting in high volumes of traffic and constant movement;
 - There is insufficient parking at the GP surgery. The site creates parking for the medical centre and there is still overspill parking to Granville Street, speeding vehicles and people turning round in residents driveways;
 - Although the scheme may propose enough parking for residents there will not be parking for visitors;

- Could traffic calming be put in place?
- The proposed building is not in keeping with the surrounding area. Granville Street is made up of bungalows and a higher, larger building will stick out like a sore thumb and be overbearing on the surrounding properties. It is too intensive for the site.
- Loss of light to the rear of the properties on Railway Road;
- The increase in height of the building and that the ridge comes nearer to their property than the existing building in relation to the path of the sun will make the rear of their property a dark and damp environment;
- The proposal will result in noise and disturbance due to people parking and travelling along the alleyway between the rear of the properties on Railway Road and the site due to limited parking at the surgery and no visitor parking for the flats;
- The scale of the proposal is excessive and too large for the area. It will have a detrimental impact on their properties and their lives.

Residents have been re-consulted on the latest corrected/amended plans and as a result a further letter of objection has been received on the following grounds:

- They feel the developer has not allowed enough space to accommodate the number of cars that will be used by the residents of the apartments. As they will be tight and narrow it is likely that residents will not use them correctly and will park their vehicles in the street for convenience;
- A security gate is proposed – recent fatalities involving such gates cause safety concerns and will further add to congestion on Granville Street whilst residents are waiting for the gate to open.

Consultations

6. United Utilities – have no objection to the proposal.
7. Lancashire County Council (Highways) – have no objection to the proposal.
8. Chorley Environmental Protection – request a condition in relation to ground contamination.
9. Coal Authority – standing advice.
10. Police Architectural Liaison Officer (MAPS) – notes from the design and access statement that the car park is to be Secured by Design Standard and gated. They note a similar gate is proposed to that which caused the light of the recent tragic deaths of two young children. They suggest that careful consideration be given to the Health and Safety issues that will arise [the design of the gate can be the subject of a planning condition to be approved by the Council]. They recommend the standard of doors and windows in relation to British Standards to reduce crime and make the homes a safer place for families to live and that alarms be fitted. They also recommend security lights to be fitted to the front entrance door area and on the rear of the property.

Assessment

Principle of the development

11. The site the subject of this application is currently occupied by St John Ambulance Hall and its associated carpark, which is no longer in use. The site falls within the definition of brownfield land in PPS3. The proposal is therefore acceptable in principle.

Appearance, Layout and Scale

12. Granville Street is a cul-de-sac situated off Railway Road. The residential properties on it are all bungalows, while the properties on Railway Road itself are two-storey terraces, the ones to the north of Granville Street back onto the site, separated by an alleyway. Opposite the site is Granville House Medical Centre and to the rear two-storey semi-detached dwellings back onto the site. The existing St John Ambulance hall is single storey to eaves height with a steeply pitched roof measuring approximately 7.8m at its highest point.
13. The proposed apartment building will be two-storey with its highest point measuring the same as the existing building (7.8m). It will have two front gables and an entrance porch. On both

floors there will be 3x two bed apartments and 1x one bed apartment. To the rear of the building there will be 10 parking spaces accessed down the side against the boundary with no. 3 Granville Street. At the front the building will be set back from the pavement by 8.5m where a further four parking spaces will be provided and a small lawned area with a path to the entrance door.

14. In terms of appearance the current St John Ambulance Hall is higher than the bungalows to the east of the site, due to its steeply pitched roof but the eaves height is only at single storey level. Although the proposed apartment block has a ridge that is approximately 1m lower than the current hall, it adds much more bulk to the site as it is two-storey in scale, although its floor area is not as deep.
15. The proposed apartment block will be viewed against the bungalows to the southeast and the properties on Railway Road to the northwest as well as the medical centre opposite. The front gable of the proposed apartment building closet to the bungalow to the southeast (no. 3 Granville Street) will be set 0.5m lower (at 7.3m) than the main front gable of the building (at 7.8m) which will be set at a slightly lower height than the properties on Railway Road. As the building is viewed directly onwards there will therefore be a 'stepping down' of the building height between the higher buildings on Railway Road and the bungalows on Granville Street.
16. When the building is viewed from the top of Granville Street looking towards Railway Road it will be seen in the context of the houses on Railway Street and the medical centre, which although single storey has a steeply pitching roof that makes it taller than the bungalows.
17. The proposal is considered acceptable in terms of appearance, layout and scale in relation to the surrounding properties. It is acknowledged that it is a difficult site as it sits between properties that vary greatly in size. The design seeks to reflect this, being higher at the west side nearer the taller properties and steps down at the east side next to the bungalows.

Access and Parking

18. In relation to parking 14 spaces are proposed, 10 to the rear and 4 to the front of the building. This will provide two spaces for each of the two bed apartments and one space for each of the one bed apartments. This is in line with the Council's parking standards and is considered acceptable for the site. The size of the spaces is considered acceptable.
19. Residents have stated that the current site is used by people visiting the medical centre to park on and the proposal will increase traffic and parking problems on Granville Street. However, the site is privately owned and unrelated to the medical centre. This application should not be expected to solve existing parking problems that may exist in relation to the medical centre, but rather ensure that the parking to be provided for the apartments is sufficient so that the site does not add to parking problems on the street. I have assessed above that the parking provision proposed is in line with policy and is considered sufficient for the proposal.
20. In relation to comments on traffic calming being introduced on Granville Street, this is not something that can be secured through the planning application process.

Neighbour Amenity

21. The nearest properties to the proposed apartments are no. 3 Granville Street, the properties at nos. 74 to 82 Railway Road that back onto the side of the site and the properties to the rear on Rivington Avenue.
22. No. 3 Granville Street is a bungalow that is set further back on its plot than the other bungalows on this side of Granville Street. It has a flat roof side extension on its northwest elevation and flat roof detached garage forward of its front elevation against the boundary with the application site. The drive to the rear carpark will run along this boundary. The side elevation of this property has three windows facing towards the site, the central one is obscure glazed, but the two either side are clear glazed, there is however a boundary treatment between these windows and the application site of approximately 1.5m in height that screens the lower portion of these windows from the proposal. There will be 5m between the side elevation of the apartment block and the boundary with no. 3 Granville Street. The orientation of the proposed

building will be to the north west of no. 3 so there will be no direct overshadowing to it. The relationship of the proposal to this property is therefore considered acceptable.

23. The properties to the rear are on Rivington Avenue and are semi-detached two-storey properties, some with rear extensions. There will be approximately 11m between the first floor windows of the apartments and the boundary with these properties and approximately 28m between these windows and the main rear elevations of the Rivington Avenue properties. This complies with the Council's interface distances and is considered an acceptable relationship.
24. Nos. 74 to 82 Railway Road is a row of six terraced properties that back onto the side of the site. Their rear gardens are separated from the site by an alleyway approximately 5m in width. The northwest elevation of the proposed apartment building will sit on the boundary with the alleyway. The existing hall building has a northwest elevation approximately 22.3m in length. This elevation on the proposed building will measure approximately 14.2m in length. Although the length of this elevation will be reduced compared to the existing hall it will be two-storey with an eaves height of 5m compared to the eaves height of the existing building of approximately 3.3m against the alleyway. Although the highest part of the roof of the proposed apartment building will be the same as the existing building (7.8m) the ridge of the apartment building will be closer to these properties and although it will be hipped away from them, due to their orientation it will have more impact on nos. 74 to 82 Railway Road than the existing building and there will be some increased shadowing to them until later in the afternoon.
25. However, comparing the proposed building with the existing and taking into account the reduction in the depth of the new building compared to the existing, it is not considered that the increased impact on these properties is at a level that would warrant refusal of the application.

Other Matters

26. Although not shown on the plans, the Design and Access Statement accompanying the application states that the apartments will have a security gate. This issue has been raised by an objector and the Police Architectural Liaison Officer. A condition is proposed requiring details of any gate to be approved by the Council, to ensure the Liaison Officer and Council are happy with any design and positioning.

Overall Conclusion

27. The principle of the proposal is acceptable in policy terms. Although people visiting the medical centre park on the site, as it is currently vacant, it is privately owned and unrelated to the medical centre. This application should not be expected to solve existing parking problems that may exist in relation to the medical centre, but rather ensure that the parking to be provided for the apartments is sufficient so that the site does not add to parking problems on the street. It has been assessed that the parking provision proposed is sufficient for the proposal. The design takes account of the two very different heights of the buildings either side. Although the proposal will have some increased impact on nos. 74 to 82 Railway Road due to the increase bulk of the proposed building compared to the existing hall it is not considered that this is at a level that would warrant refusal of the application. The application is therefore considered acceptable in relation to policies GN1 and GN5 of the Local Plan and is recommended for approval subject to conditions and the signing of a Section 106 legal agreement for public open space.

Planning Policies

28. National Planning Policies:

PPS3

29. Adopted Chorley Borough Local Plan Review

Policies: GN1, GN5

**Recommendation: Permit Full Planning Permission
Conditions**

1. 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.

2. The approved plans are:

Plan Ref.	Stamp Dated:	Title:
09/120/P02	18 th June 2010	Proposed Site and Location Plan
09/120/P03	18 th June 2010	House Type Plans & Street Scenes
10/120/F02	18 th June 2010	Plot Division Fence

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

3. The development hereby permitted shall only be carried out in conformity with the proposed ground and finished floor levels shown on the approved plan(s) or as may otherwise be agreed in writing with the Local Planning Authority before any development is first commenced.

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.

4. The position, height and appearance of all fences and wall to be erected shall only be carried out in conformity with the details shown on approved plans 09/120/P02 and 10/120/F02 or as may otherwise be agreed in writing with the Local Planning Authority before any development is first commenced.

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.

5. 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 of the Adopted Chorley Borough Local Plan Review.

6. All planting, seeding or turfing comprised in the approved details of landscaping shown on approved plan 09/120/P02 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 No GN5 of the Adopted Chorley Borough Local Plan Review.

7. The development hereby permitted shall not commence until samples of all external facing materials to the proposed dwellings (notwithstanding any details 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 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.

8. 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.

9. The development hereby permitted shall be carried out in accordance with the bat mitigation proposals set out within Section 5 of the Bat Survey undertaken by ERAP Consultant Ecologists dated 30th January 2010.

Reason: To ensure the continued protection and enhancement of bats. In accordance with Government advice contained in PPS9 and Policy EP4 of the Adopted Chorley Borough Local Plan Review.

10. No development shall take place until details of the proposed surface water drainage arrangements have been submitted to and approved by the Local Planning Authority in writing. 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 Government advice contained in PPS25: Development and Flood Risk.

11. Prior to the commencement of the development a report to identify any potential sources of contamination on the site and where appropriate, necessary remediation measures, shall be submitted to and approved in writing by the Local Planning Authority. The report should include an initial desk study, site walkover and risk assessment. If the initial study identifies the potential for contamination to exist on site, the scope of a further study must then be agreed in writing with Local Planning Authority and thereafter undertaken including details of the necessary remediation measures. The development shall thereafter only be carried out following the remediation of the site in full accordance with the measures stipulated in the approved report.

Reason: In the interests of safety and in accordance with Government advice contained in PPS23: Planning and Pollution Control

12. If, during development, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing with the Local Planning Authority) shall be carried out until the developer has submitted, and obtained written approval from the Local Planning Authority for, an amendment to the Method Statement detailing how this unsuspected contamination shall be dealt with.

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 and in accordance with Government advice contained in PPS23: Planning and Pollution Control.

13. Before the development hereby permitted is commenced a scheme and programme for the site enabling and construction phase of the development shall be submitted to and approved in writing by the Local Planning Authority. The scheme and programme shall cover: 1) Site/construction access points for each part of development. 2) Site compound and contractor parking and management of contractors parking. 3) Construction operating hours including deliveries and site construction staff. The approved scheme and programme shall be implemented in accordance with the approved details.

Reason: To ensure the access used for construction traffic is appropriate in highway safety terms and to ensure that noise and disturbance resulting from hours of operation and delivery does not adversely impact on the amenity of existing residents.

14. No phase or sub-phase of the development shall commence until a Design Stage assessment and related certification has been submitted to and approved in writing by the Local Planning Authority demonstrating that the proposed development will be constructed to achieve the relevant Code for Sustainable Homes level. 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. 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 15% (increasing to 20% from 2015). To demonstrate that this has been achieved, the Design Stage certification must show that the

proposed development will achieve 2 credits within Issue Ene 7: 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 Policy SR1 of Chorley Borough Council's Adopted Sustainable Resources Development Plan Document and Sustainable Resources Supplementary Planning Document.

15. No dwelling shall be occupied until a Code for Sustainable Homes 'Post Construction Stage' assessment has been carried out and a final Code Certificate has been issued certifying that the required Code Level and 2 credits under Issue Ene7 has been achieved and the certificate has been submitted to and approved 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 Policy SR1 of Chorley Borough Council's Adopted Sustainable Resources Development Plan Document and Sustainable Resources Supplementary Planning Document.

Please note: it is advised that the proposed dwellings incorporate the following features from a security perspective:

1. Doors- Comply with BSI PAS 24 - 1999 'Doors of Enhanced Security' glazing to be a minimum of 6.5mm laminated glass.
2. Windows- All windows should conform to 'improved security' window standard BS7950. Vulnerable windows on the ground floor should be fitted with minimum 6.5mm laminated glass.
3. Intruder Alarms- All properties should be fitted with an intruder alarm with PIR covering the ground floor to comply with BS4737.
4. Lighting- Security lights to be fitted to the front entrance door area and on the rear of each property

Please note: It is advised that vegetation clearance works, demolition work and other works which may affect nesting birds should be avoided during the bird breeding/ nesting season (March to August inclusive)

Please note: the following comments from United Utilities:

1. Surface water should discharge to the soakaway/ watercourse/ surface water sewer and may require the consent of the Environment Agency;
2. The applicant must discuss full details of the site drainage proposals with John Lunt tel: 01925 537174;
3. If the sewers on this development are proposed for adoption then the developer should contact our Sewers Adoption Team on 01925 428266;
4. A water main crosses the south of the site. As we need access for operating and maintaining it we will not permit development in close proximity to the main. We will require an access strip of no less than 5 metres wide measuring at least 2.5 metres either side of the centre line of the pipe;
5. Any necessary disconnection or diversion required as a result of any development will be carried out at the developers expense. Under the Water Industry Act 1991, Sections 158 and 159, we have the right to inspect, maintain, adjust, repair or alter our mains. This includes works incidental to any of those purposes. If a diversion is required the applicant must discuss this at an early stage with our Regional Mains Division Team 01925 773444;
6. A water supply can be made available to the proposed development. A separate metered supply to each unit will be required at the applicants expense and all internal pipework must comply with current water supply (water fittings) regulations 1999;
7. The applicant should contact our Service Enquiries on 0845 746 2200 regarding connection to the water mains/ public sewers.

Please note: The Desk Study Report should include a desk study and site reconnaissance (walk over) in accordance with the recommendations in Planning Policy Statement 23: Planning and Pollution Control 2004. Further guidance and advice on producing the report can be obtained from the Councils Contaminated Land Officers on 01527 515737/515661.

Please note: The proposed development lies within an area which could be subject to current coal mining or hazards resulting from past coal mining. Such hazards may currently exist, be caused as a result of the proposed development, or occur at some time in the future. These hazards include:

- Collapse of shallow coal mine workings.
- Collapse of, or risk of entry into, mine entries (shafts and adits).
- Gas emissions from coal mines including methane and carbon dioxide.
- Spontaneous combustion or ignition of coal which may lead to underground heatings and production of carbon monoxide.
- Transmission of gases into adjacent properties from underground sources through ground fractures.
- Coal mining subsidence.
- Water emissions from coal mine workings.

Applicants must take account of these hazards which could affect stability, health & safety, or cause adverse environmental impacts during the carrying out their proposals and must seek specialist advice where required. Additional hazards or stability issues may arise from development on or adjacent to restored opencast sites or quarries and former colliery spoil tips.

Potential hazards or impacts may not necessarily be confined to the development site, and Applicants must take advice and introduce appropriate measures to address risks both within and beyond the development site. As an example the stabilisation of shallow coal workings by grouting may affect, block or divert underground pathways for water or gas.

In coal mining areas there is the potential for existing property and new development to be affected by mine gases, and this must be considered by each developer. Gas prevention measures must be adopted during construction where there is such a risk. The investigation of sites through drilling alone has the potential to displace underground gases or in certain situations may create carbon monoxide where air flush drilling is adopted.

Any intrusive activities which intersect, disturb or enter any coal seams, coal mine workings or coal mine entries (shafts and adits) require the prior written permission of the Coal Authority. Such activities could include site investigation boreholes, digging of foundations, piling activities, other ground works and any subsequent treatment of coal mine workings and coal mine entries for ground stability purposes.

Failure to obtain Coal Authority permission for such activities is trespass, with the potential for court action. In the interests of public safety the Coal Authority is concerned that risks specific to the nature of coal and coal mine workings are identified and mitigated.

The above advice applies to the site of your proposal and the surrounding vicinity. You must obtain property specific summary information on any past, current and proposed surface and underground coal mining activity, and other ground stability information in order to make an assessment of the risks. This can be obtained from The Coal Authority's Property Search Service on 0845 762 6848 or at www.groundstability.com