

**Item** 10/00743/FUL

**Case Officer** Caron Taylor

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

**Proposal** Erection of 3 no. detached dwellings on land to the side of the Dog Inn Public House including associated infrastructure and new access road (resubmission of previously withdrawn application 09/00986/FUL)

**Location** The Dog Inn Chorley Old Road Clayton-Le-Woods  
Chorley Lancashire

**Applicant** Daniel Thwaites Brewery

**Consultation expiry:** 27 October 2010

**Application expiry:** 14 October 2010

#### **Proposal**

1. The application is for the erection of 3 no. detached dwellings on land to the side of the Dog Inn Public House, including associated infrastructure and new access road (resubmission of previously withdrawn application 09/00986/FUL).

#### **Recommendation**

2. It is recommended that planning permission is granted subject to a s106 legal agreement in relation to public open space.

#### **Main Issues**

3. The main issues for consideration in respect of this planning application are:
  - Principle of Proposed Residential Development
  - Design and Appearance
  - Impact on the Neighbours' amenities
  - Access and Parking
  - Sustainable Resources
  - Section 106 Agreement

#### **History**

4. Ref: 01/00463/FUL Decision: PERFPP Decision Date: 25 July 2001  
Description: Replacement entrance porch.
- Ref: 07/00185/FUL Decision: WDN Decision Date: 23 April 2007  
Description: Formation of external covered drinking area with timber screen and gate to existing opening,
- Ref: 07/00554/FUL Decision: PERFPP Decision Date: 14 June 2007  
Description: Formation of external covered drinking area with timber screen and gate to existing opening,
- Ref: 09/00986/FUL Decision: WDN Decision Date: 4 February 2010  
Description: Erection of 3 four bedroom detached dwellings on land to the side of the Dog Inn Public House including new access road
- Ref: 10/00553/FUL Decision: PERFPP Decision Date: 6 September 2010  
Description: Timber decking to front of public house

## Representations

5. One letter of objection has been received. This states *'Please stop building on every square patch of open space in Whittle and Clayton'*.

## Consultations

6. Lancashire County Council Highways – Originally objected to the application on highway safety grounds. However, amended plans have been received in relation to their objection.
7. They originally stated that the site is served by two entrances from Chorley Old Road. They would like to see Plot 1 reconfigured so it is served by a single communal access along with Plots 2 & 3. This is in accordance with LCC policy to keep the number of new accesses onto the highway to a minimum. They also state there appears to be no pedestrian footway into the site. There needs to be one as vehicles should not be sharing the same road space as vehicles. This same footway could usefully be extended to cover the whole highway frontage of the development site to Chorley Old Road and should link with the present termination point of the footway on the east side of Chorley Old Road at The Dog Inn car park entrance. They would ask for this to be conditioned as part of any approval.
8. The existing site lines from the development onto Chorley Old Road are 100m to the north and 120m+ to the south and this is acceptable.
9. The amended plans received have been sent to LCC Highways and they now find the scheme acceptable.
10. Clayton-le-Woods Parish Council - Have no comments to make on the application.
11. Police Architectural Liaison Officer – Has no comments to make.
12. Environment Agency – has no objection to make on the application.
13. Chorley's Contaminated Land Officer – requests a condition in relation to land contamination and the addition of informative notes.
14. Chorley Council Planning Policy – This proposal is for the erection of three dwellings within the curtilage of the Dog Inn Public House. This is not a private residential garden and as such is not affected by the PPS3 change to the definition of garden land. There has been some dispute about whether or not this land is Greenfield or Brownfield, but further information received indicates that the land can be considered part of the curtilage of the public house and can be considered Brownfield land. The site is located within the settlement of Clayton/Brook Green and as such residential development is considered acceptable in principle.
15. British Waterways – have no comments to make.

## Assessment

### Principle of the Development

16. The application site is an 'L'-shaped piece of land within the settlement of Clayton-le-Woods covered by policy GN1 of the Local Plan. The site is overgrown and owned by Thwaites Brewery.
17. The site is not a garden and therefore is not affected by the changes to PPS3 or the Council's new policy on garden development.
18. The applicant has provided information on the history of the site and the Council is satisfied that the land is Brownfield for planning purposes as part of the curtilage of the public house. The proposal is therefore considered acceptable in principle in accordance with policies GN5 and HS6 (f).

### Design, Appearance and Layout

19. The proposed properties are all detached. Plot 1 will have three bedrooms and will face towards Chorley Old Road with plots 2 and 3 (which will have four-bedrooms) facing north into the site.
20. There is a significant level difference across the site, rising from west to east away from Chorley Old Road. A retaining wall separates the site from the car park of The Dog Inn. The proposed dwellings will be cut into the land and a number of retaining walls will be used across the site. Sections across the site have been provided with the application. Plot 1 will be positioned approximately 5m back from Chorley Old Road and will have an eaves and ridge height similar to The Dog Inn. There is not a clear building line along this part of Chorley Old Road and its position is considered acceptable. Plots 2 and 3 will be sited further back on the site at a higher level (the level of Plot 2 will be 2m higher than Plot 1 and Plots 2 will be 3.2m higher as the land rises to the rear), the side elevation of plot 3 will be roughly in line with the front of St Helens Cottage but set back from the front elevation of the public house. The ridge and eaves heights of plots 2 and 3 will be similar to St Helens Cottage which is considered acceptable.
21. The properties will all be detached. Plot 1 will have a two-storey front gable. Plots 2 and 3 will be of a similar design but will be larger with a two-storey side element with a bedroom at first floor and a carport to the ground floor.
22. In terms of design, there are a large range of properties in the vicinity of the site. Notably, opposite the site are the modern properties at the end of Swansey Lane. Although they back onto Chorley Old Road and are set at a lower level than the road, the proposed properties will still be viewed in the context of them. The proposal is therefore considered acceptable in terms of design, appearance and layout in accordance with HS4.

### Neighbour Amenity

23. In terms of neighbour amenity the application is considered acceptable. The property on Plot 1 will face onto Chorley Old Road and have an acceptable relationship with the properties opposite. Its rear windows will face towards its proposed parking spaces and the existing open space to the rear of the site beyond them.
24. The rear windows of Plots 2 and 3 will face towards the side of The Dog Inn but there will be over 10m to the boundary in line with the Council's interface distance. The front windows of plot 2 will face into the site and there will be approximately 16m to the boundary with St Helens Cottage which is considered acceptable. Plot 3 will also face towards this boundary with a similar relationship, however it will also look towards the rear garden of Plot 1. There are two first floor windows in this property, one serves a bathroom so will be obscure glazed, whereas a bay window will serve a bedroom. There will be approximately 7.6m from this first floor window to the boundary with the garden of Plot 1, which is below the Council's interface guidelines. However, the garden of the property proposed on Plot 1 is unusual. Due to the difference in land levels across the site the garden will be in three terraced parts accessed by steps. The first floor window in plot 3 will only look over the highest part of the garden furthest away from the house, which is unlikely to be the area used by future occupiers as the most frequently used part or most private part of the garden. This relationship is therefore considered acceptable.

### Access and Parking

25. The applicant has amended the plans in relation to the comments of LCC Highways. Highways have been reconsulted and they now have no objection to the proposal as Plot 1 no longer has a separate access from Chorley Old Road and a pedestrian footpath has been added.
26. In terms of parking Plots 2 and 3 within the site will have their own private drive (including carport), Plot 1 facing Chorley old Road will have three parking spaces provided to the rear of its garden within the site. The parking provision level is considered acceptable.

27. The application is therefore considered acceptable in this respect and accords with policy TR4.

#### Sustainable Resources

28. The application is for three dwellings and therefore only the first part of policy SR1 of the Council's Sustainable Resources Development Plan Document is relevant in that the dwellings will be required to meet level 3 of the Code for Sustainable Homes by 2010. The Council's Planning Policy Team therefore request conditions to secure this.

#### Section 106 Agreement

29. As the proposal is for three dwellings, a s106 legal agreement is required for £3,981 towards the provision of equipped play areas, casual/informal play space and playing fields.

#### **Overall Conclusion**

30. The application site is not a garden site and the Council are satisfied that it is brownfield land and therefore the proposal is considered acceptable in principle. The design, appearance and layout are also considered acceptable along with the impact on neighbour amenity in line with HS4 and the Council's adopted Design Guidance SPG. Highways are satisfied that the amended layout overcomes their original objection.

#### **Planning Policies**

##### National Planning Policies:

PPS1, PPS3

Manual for Streets

##### Adopted Chorley Borough Local Plan Review

Policies: GN1, GN5, HS4, HS6, TR4

##### 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

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

1. Due to the size of development and sensitive end-use, the development hereby permitted shall not commence until the applicant has submitted to and had approved in writing by the Local Planning Authority a report to identify any potential sources of contamination on the site and where appropriate, necessary remediation measures.

The report should include an initial desk study, site walkover and risk assessment and 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 and shall include 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 PPS23.*

2. 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 No.GN5 of the Adopted Chorley Borough Local Plan Review.*

3. 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 No GN5 of the Adopted Chorley Borough Local Plan Review.*

4. 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 also have been erected in conformity with the approved details prior to occupation 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.*

5. 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. This shall include details of how these hard surfaces will drain, such as permeable materials or soakaways. 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.*

6. Each dwelling hereby permitted shall be constructed to achieve the relevant Code for Sustainable Homes Level required by Policy SR1 of the Sustainable Resources DPD (Level 3 for all dwellings commenced from 1 January 2010, Level 4 for all dwellings commenced from 1 January 2013 and Level 6 for all dwellings commenced from 1 January 2016).

*Reason: To ensure the development is 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.*

7. The development hereby permitted shall be carried out in accordance with the following approved plans:

Plan Ref.	Received On:	Title:
09/1229/02 Rev C	18 October 2010	Proposed Site Layout and Levels
09-1229/03 Rev A	18 October 2010	Proposed Elevations and Floor Plans – Plot 1
09-1229/04	19 August 2010	Proposed Elevations and Floor Plan – Plots 2 & 3

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

8. 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 has been achieved and the Certificate has been submitted to and approved in writing by the Local Planning Authority.

*Reason: To ensure the development is 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.*

9. Before the properties hereby permitted are first occupied, the driveways and parking spaces shall be surfaced or paved, drained and marked out all in accordance with the approved plan. The driveways shall not thereafter be used for any purpose other than the parking of and manoeuvring of vehicles.  
*Reason: To ensure adequate on site provision of car parking and manoeuvring areas and in accordance with Policy No. TR4 of the Adopted Chorley Borough Local Plan Review.*
10. 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.*
11. 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.*
12. 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.*
13. 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.*
14. No phase or sub-phase of the development shall begin until details of a 'Design Stage' assessment and related certification have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out entirely in accordance with the approved assessment and certification unless the Local Planning Authority otherwise approve in writing.  
*Reason: To ensure the development is 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.*