

Item 11/00410/FUL

Case Officer Caron Taylor

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

Proposal Proposed construction of 3 No detached dwellings on land to the side of the Dog Inn Public House including associated infrastructure and new access road (alternative scheme to previously approved application ref: 10/00743/FUL)

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

Applicant Primrose Holdings Ltd

Consultation expiry: 24 June 2011

Application expiry: 18 July 2011

Consultation expiry date: 24 June 2011

Decision date: 18 July 2011

Proposal

1. The application is for the proposed construction of 3 No detached dwellings on land to the side of the Dog Inn Public House including associated infrastructure and new access road (an alternative scheme to previously approved application ref: 10/00743/FUL).
2. The previously approved proposal was also for three dwellings but was made by a different applicant and proposed more traditionally designed houses.

Recommendation

3. It is recommended that this application is granted conditional planning approval subject to an associated Section 106 Agreement for public open space.

Main Issues

4. The main issues for consideration in respect of this planning application are:
 - Principle of the development
 - Background information
 - Housing Development
 - Density
 - Levels
 - Impact on the neighbours
 - Design
 - Open Space
 - Trees and Landscape
 - Ecology

- Traffic and Transport
- Drainage, Sewers and Flood Risk

Representations

5. One letter has been received from number 221 Chorley Old Road. They ask whether the properties will overlook and where the will entrance/drive will be positioned in relation to their house.
6. Clayton-le-Woods Parish Council have no comments to make on the application.

Consultations

7. **The Environment Agency**
Has no comments to make
8. **The Architectural Design and Crime Reduction Advisor**
State they have looked at the plans and considered the crime levels in the area, which appear to be low. Under the circumstances the only comment that I would make is that consideration be given to the properties being fitted with a BS alarm system to both reduce crime and the fear of crime.
9. **United Utilities**
Have no objection to the proposed development. Their drainage engineer has reviewed the proposed drainage and confirms that the drainage proposals submitted are acceptable in principle to them.
10. **Lancashire County Council (Highways)**
The geometry of the access has changed since the previous application however the principle has already been agreed.
11. The proposed car parking arrangements are also acceptable, in which case there is no highways objection.
12. I would have been minded to ask for a footway along the north frontage of the site and returning in to the private drive however if this was something that was not requested at the initial stage then they are happy to leave it as it is.
13. **Chorley's Waste & Contaminated Land Officer**
Asks for a condition to be applied in relation to ground contamination.

Assessment

Principle of the development

14. The application site is an 'L'-shaped piece of land within the settlement of Clayton-le-Woods, adjacent to The Dog Inn Public House, it is covered by policy GN1 of the Local Plan. The site is overgrown and was previously owned by Thwaites Brewery.
15. The principle of housing on the site has already been established by the previously approved application for three dwellings ref: 10/00743/FUL.

Housing Development

16. The proposal is for three dwellings, the same number as previously approved and the application is considered acceptable in principle.

Density

17. The site area is 0.12 hectares in area so the scheme would result in a density on the site equivalent to 25 dwellings per hectare.

Levels

18. The site rises up from Chorley Old Road to the northwest corner of the site and has a retained wall to the car park to The Dog Inn Public House. The proposed properties will take advantage of these levels being split level in their design and also use retaining walls.

Impact on the neighbours

19. To the south is The Dog Inn Public House and there is a path running between the two sites, although this is not a definitive public right of way. The rear of the proposed property on plot 3 will be angled towards the side/rear of the public house however this relationship is considered acceptable as the pub has a single storey element on the rear and there will be over 10m to the boundary.
20. Plot 2 will be angled towards St Helen's Cottage to the north of the site. It will take advantage of the level differences on site being three-storey at the front but only two-storey to the rear. The proposed property will not have any windows above ground level in its northwest elevation and at ground floor the window will only be small serving a study. The first floor rear window nearest to St Helen's Cottage will serve a bedroom and there will be 10m from this window to the boundary when looking straight out of the window, which complies with the interface distance, although there will only be 5.8m to the boundary at the nearest point. However the window will not directly face the boundary with St Helen's but will be angled away from it. The relationship of plots 2 is therefore considered acceptable.
21. Plot 1 will also take advantage of the levels being three-storey at the front and two-storey at the rear. It will be side on to Chorley Old Road and therefore the rear windows of this proposed property will face towards the front garden and driveway of St Helen's Cottage. There will be approximately 7.5m between the rear windows and the boundary with St Helen's Cottage. Although this is less than the Council's interface distance of 10m and the driveway is at a lower level, this area is already open to views from the street. This relationship is therefore considered acceptable. The boundary of St Helen's Cottage is unusual as its side garden projects into the site, the Cottage has a raised summer house in the corner on this boundary, however the windows in the rear elevation of plot 1 nearest this corner all serve non-habitable rooms being to an en-suite and staircase at ground floor and a landing at first floor.
22. The relationship of plots 1 and 2 with St Helen's Cottage is therefore considered acceptable.
23. There are no properties directly to the rear of the site (east) that will be affected by the proposal. The nearest properties in this direction are 32 and 33 Wilderswood Close which although at a higher level than the site are separated from it by an area of open space. In addition they are both side on to the proposed development (with no habitable room windows in the side) and are approximately 23m from the site boundary. This exceeds the Council's interface distance and the relationship with these properties is considered acceptable.
24. Opposite the site on the other side of Chorley Old Road is a large dormer bungalow (no. 221 Chorley Old Road). This property is at a lower level than the application site. The property proposed on plot 1 will therefore be at a higher level and although side on to the road will have a balcony facing Chorley Old Road and this property. However, number 221 Chorley Old Road is set back significantly from the road (approximately 18m) and in addition there will be approximately a further 12m across Chorley Old Road to the balcony. The normal interface distance is 10m to a boundary but due to

the difference in levels this would normally be extended to 17.6m. In this case there will be approximately 12m between the balcony and the front boundary with number 221 which is less than would normally be required. However, the relationship will be to a front garden area, rather than to a more private rear garden. There will be 30m between the balcony and the house itself which is considered sufficient to safeguard the amenities of the this property in terms of its front (east facing windows). In addition, number 221 has planting along its front boundary further mitigating any overlooking from the balcony. The proposal is therefore considered acceptable in relation to this property.

25. Number 79 Swansey Lane is a semi-detached property situated on the west side of Chorley Old Road. This is set at a significantly lower level, its first floor being approximately level with Chorley Old Road and side on to the road. There will be approximately 27m between the balcony and the dwelling itself which is considered sufficient and approximately 17m between the balcony and the boundary with its garden. The view from the balcony towards the rear garden of this property is also restricted by the frontage boundary planting at 221 Chorley Old Road.

Design

26. The design of the properties is contemporary with an asymmetric roof used on all the plots and plots 2 and 3 also having a central light well. The designs on plots 1 and 2 make use of the level differences on the site, being three-storey at the front and two-storey at the rear. Balconies are proposed on the side of plot 1 facing Chorley Old Road and on the front elevation of plot 2 facing into the site. There will be retaining walls between all three plots.
27. The properties will be rendered with timber boarding above with a slate grey membrane roof with lead roll detailing. The windows and doors will be anthracite coloured uPVC.
28. The design and materials of the properties are modern, but there is a wide range of properties in the area, including the older public house, a stone built property known as The Orchard to the south of it and St Helen's Cottage, which sit along side the modern estate on Swansey Lane opposite constructed in the early 1990s and the adjacent dormer bungalow. Therefore it is considered that the modern design of the properties will add to the mosaic of different ages and styles of property that make up the immediate area. The contemporary design allows the levels of the site to be used to their full advantage.
29. The properties will be prominent in the streetscene, particularly plot 1 as they will be viewed across the existing pub car park and in front of St Helen's Cottage at an elevated level. However it is considered that they will add visual interest to the street and that there is enough detailing on the rear elevation of plot 1 to ensure that it will not be viewed as a bland facade as the property is approached. This is helped by the balcony on the side of plot 1 facing towards Chorley Old Road.
30. The design is therefore looked upon favourably subject to conditions controlling external materials, hard surfacing materials etc.

Open Space

31. As the proposal is for three dwellings the scheme is required to contribute towards public open space which will be secured by a s106 agreement.

Trees and Landscape

32. The site is overgrown however any trees on the site that would warrant attention are

on the boundary of the site, on the open space to the east and on the boundary of the garden of proposed plot 1 and St Helen's Cottage and it is proposed to retain them. The landscaping of the frontage area will be particularly important, however a condition requiring a landscaping scheme to be submitted and implemented is proposed to ensure sufficiently mature planting is provided. The scheme is considered acceptable in this respect subject to this condition.

Traffic and Transport

33. Each property has four bedrooms and all have sufficient of road parking for at least three vehicles in line with the Council's parking standards. The garages are all 6m x 3m and so are also able to be counted as a parking space.
34. The application is therefore considered acceptable in this respect and accords with policy TR4.

Drainage, Sewers and Flood Risk

35. The Environment Agency has no objection to the proposal. United Utilities initially stated that if possible this site should be drained on a separate system, with only foul drainage connected into the foul sewer. The plan however showed a combined drainage run to the existing drainage combined drainage run. United Utilities were therefore sent this plan and asked for fresh comments. Their drainage engineer reviewed the plans and now confirm that the drainage proposals submitted are acceptable in principle to them.

Section 106 Agreement

36. As the proposal is for three dwellings, a s106 legal agreement is required for £4,137 towards the provision of equipped play areas, casual/informal play space and playing fields.

Sustainability

37. 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. It is appropriate to secure this by condition.

Other matters

38. The agent has advised that the dwellings may be sold and therefore built on a plot by plot basis and the applicant will only put the access and infrastructure for the site in. Therefore it will be important to ensure any conditions imposed do not prevent this.
39. The Architectural Liaison Officer has requested that the properties are fitted with a BS alarm system. However, this request has been tested at appeal at another site and a Planning Inspector said that such a request is not enforceable. It is not therefore proposed to impose such a condition. In addition he has commented that the crime levels in the area are low, so it is not considered there is sufficient justification.

Permitted Development Rights

40. As the design of the proposed dwellings is contemporary and any extensions and outbuildings would need to be carefully designed, and also as some of the plots (particularly plot 1) will be prominent in the streetscene, as well as the changes in levels across the site and the relationship with St Helen's Cottage, it is considered necessary and reasonable to removed permitted development rights from the properties for outbuildings and extensions (classes A to E), therefore giving the Council control over them in the future.

Overall Conclusion

41. 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 do not object to the application and the parking at the site is considered acceptable, the proposal is therefore considered acceptable in relation to policy TR4.

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

Planning History

Application Number- Description. Decision. Decision Date

01/00463/FUL Replacement entrance porch. Permitted 25 July 2001

07/00185/FUL Formation of external covered drinking area with timber screen and gate to existing opening. Withdrawn 23 April 2007

07/00554/FUL Formation of external covered drinking area with timber screen and gate to existing opening. Permitted 14 June 2007

09/00986/FUL Erection of 3 four bedroom detached dwellings on land to the side of the Dog Inn Public House including new access road. Withdrawn 4 February 2010

10/00553/FUL Timber decking to front of public house. Permitted 6 September 2010

10/00743/FUL 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). Permitted 24 January 2011

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 development hereby permitted shall be carried out in accordance with the

following approved plans:

Drawing	Ref:Title:	Date Received:
1102 02 Rev A	Proposed Site Layout	27 June 2011
1102 03	Proposed Layouts	16 May 2011
1102 04	Proposed Elevations	16 May 2011
	Location Plan	16 May 2011

Reason: For the avoidance of doubt and in the interests of proper planning.

3. None of the dwellings hereby permitted shall 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. These shall include samples of the roofing material, render (including colour) and timber boarding to be used and also include a typical section through the tender/timber and the corner detailing to show their construction and materials. Details of the colour, materials and design of the garage doors shall also be provided. The three dwellings shall only be constructed 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.
4. The windows of the dwellings hereby permitted shall be anthracite grey uPVC.
Reason : In the interests of the character and appearance of the building and in accordance with Policy Nos. GN5 and HS4 of the Adopted Chorley Borough Local Plan Review.
5. 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.
6. Before each plot is commenced a scheme of landscaping shall be submitted to and approved in writing by the Local Planning Authority (for the area each plot is responsible as listed below), notwithstanding any such detail which may have previously been submitted. The scheme shall indicate all existing trees 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. The individual plots shall be responsible for submitting landscaping details for the following areas (as shown on the approved site layout plan):
 - Plot 1: Landscaping to frontage with Chorley Old Road, landscaping on both sides of access road opposite plot and landscaping in front of plot 1;
 - Plot 2: Landscaping in front of plot 2 and on north boundary of turning head adjacent plot 2;
 - Plot 3: Landscaping in front of plot 3.*Reason: In the interests of the amenity of the area and to ensure landscaping is implemented within the scheme and in accordance with Policy No.GN5 of the Adopted Chorley Borough Local Plan Review.*
7. All planting, seeding or turfing comprised in the approved details of landscaping that plot is responsible for shall be carried out in the first planting and seeding seasons

following the occupation of that plot 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.

The individual plots shall be responsible for implementing the approved landscaping details for the following areas (as shown on the approved site layout plan):

Plot 1: Landscaping to frontage with Chorley Old Road, landscaping on both sides of access road opposite plot and landscaping in front of plot 1;

Plot 2: Landscaping in front of plot 2 and on north boundary of turning head adjacent plot 2;

Plot 3: Landscaping in front of plot 3.

Reason: In the interest of the appearance of the locality and to ensure appropriate landscaping is implemented on the site and in accordance with Policy No GN5 of the Adopted Chorley Borough Local Plan Review.

8. 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, dormer windows or rooflights other than those expressly authorised by this permission, shall be inserted or constructed at any time in the dwellings hereby permitted.

Reason: To protect the amenities and privacy of the adjoining properties and to ensure the design of the dwellings is respected and in accordance with policy HS9 of the Adopted Chorley Borough Local Plan Review.

9. The following windows 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:

Plot 1: Ground floor and first floor windows in northwest elevation serving the following rooms (as shown on the approved floor plans): stair case at ground and first floor, WC at ground floor and bathroom at first floor;

Plot 3: Ground floor windows serving WC and utility room and first floor window serving bathroom.

Reason: In the interests of the privacy of occupiers of neighbouring properties, on and off the site and in accordance with Policy Nos. GN5 and HS9 of the Adopted Chorley Borough Local Plan Review.

10. No dwelling hereby permitted shall be occupied until the parking spaces and garaging for that plot have been constructed in accordance with the approved plans.

Reason: To avoid on street parking and In the interests of highway safety and in accordance with Policy No. TR4 of the Adopted Chorley Borough Local Plan Review.

11. No development shall take place until 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 the 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. Only if the report demonstrates that any necessary remediation measures can safely be undertaken on a plot-by-plot basis shall it be undertaken in this way, otherwise any necessary remediation shall be undertaken for the site as a whole.

Reason: In the interests of safety and in accordance with Planning Policy Statement 23: Planning and Pollution Control.

12. Before the development hereby permitted is first commenced, full details of the position, height and appearance of all fences and walls/retaining walls to be erected/constructed (notwithstanding any such detail shown on previously submitted plan(s)) shall have been submitted to and approved in writing by the Local Planning Authority for all three plots. 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 to ensure the boundary treatments are consistent throughout the development, and in accordance with Policy No. HS4 of the Adopted Chorley Borough Local Plan Review.

13. The foul and surface water drainage system as shown on the approved plan shall be implemented prior to erection of any of the dwellings hereby permitted.

Reason: To ensure an adequate drainage system is implement for all the plots and in accordance with Policy EP18 of the Adopted Chorley Borough Local Plan Review.

14. 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. Notwithstanding the details shown on the submitted plans, the details shall include information on how the proposed driveway/hardsurfacing to the front of the properties shall be constructed using permeable materials on a permeable base, or how 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). Each plot shall only be carried out in conformity with the approved details.

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.

15. No dwelling hereby permitted shall be occupied until the road that provides access for the properties to the public highway has been constructed in accordance with the approved plans.

Reason: In the interests of highway safety and in accordance with Policy No. TR4 of the Adopted Chorley Borough Local Plan Review.