

Item 2 **11/00566/FULMAJ**

Case Officer **Caron Taylor**

Ward **Chorley East**

Proposal **Erection of 14, 2-storey terraced properties (resubmission of withdrawn application 10/00950/FULMAJ).**

Location **Land South Of 5 Townley Street Chorley Lancashire**

Applicant **Elmwood Construction LLP**

Consultation expiry: **17 August 2011**

Application expiry: **3 October 2011**

Proposal

1. The application is for the erection of 14, 2-storey terraced properties (resubmission of withdrawn application 10/00950/FULMAJ).

Recommendation

2. It is recommended that this application is granted conditional planning approval.

Main Issues

3. The main issues for consideration in respect of this planning application are:
 - Background information
 - Principle of the development
 - Density
 - Levels
 - Impact on the neighbours
 - Design and Layout
 - Trees and Landscape
 - Ecology
 - Flood Risk
 - Highways and Parking
 - Contamination and Coal Mines
 - Drainage and Sewers

Representations

4. Three letters have been received
Chorley Muslim Trust
Charnock Street is currently used for parking purpose by the nursery staff, visitors of Eldon house and members of ethnic community who attend mosque for prayers. The building of new houses will create traffic chaos and will put the safety of the children at risk who attend mosque at Charnock Street and madrasa at Lyons Lane, at evening times after school. The new houses will also alter the culture of the area. Please consider applying a condition to provide land for parking to the members of the Chorley's ethnic Muslim community who attend mosque five times a day for prayers when Chorley Council and the planning committee consider the housing application. The members who attend Chorley mosque five times a day consists of elderly, the young, the children and the people from different towns who have invested in different businesses in Chorley. Cooperation and fair and impartial considerations and caring for the Council policy of equality of opportunity and racial harmony will be greatly appreciated.
5. Chorley Community Housing on behalf of residents of Eldon House, Brooke Street and signed by residents at Eldon House Brooke Street Chorley. They have concerns that some flats have no boundary fencing leaving them exposed should these properties be erected, the flats that are especially vulnerable are 2, 4, 6, 18, 20 & 22 as Townley Street is a cul-de-sac it would be a magnet for ball games etc. Please would you consider these comments from the residents at Eldon house who are all retired and vulnerable.

6. The owner of 1, 3 and 5 Townley Street feels the development would be beneficial to the area but has one concern that the existing parking on Townley Street means cars are parked starting outside number 5 which is approximately 20m from start of the road. This means that currently the only place to park is on the left hand side of the road which is not a problem but will become once the development gets underway as the vehicles from numbers 1, 3 and 5 will still be parking in the same position but this will be outside someone else's house or driveway. What solution does the Council propose to resolve this? If yellow lines were reduced back to the entrance to Townley Street from Lyons Lane, then this would ease the problem.

Consultations

7. **Chorley Planning Policy**

Policy EM9 of the Local Plan states that sites and premises currently or last used for employment purposes which are proposed for new development will be assessed to determine whether they are particularly suitable to be re-used for employment purposes. If a site is considered particularly suitable to be re-used for employment purposes it will be reserved for such use unless:

- I. there is no realistic prospect of an employment re-use of the land or premises, or
- II. redevelopment for an employment use would not be economically viable, or
- III. an employment re-use or redevelopment would no longer be appropriate for planning or environmental reasons.

8. The applicant states that the site is not considered to be particularly suitable for employment re-use as it is classed as 'Other Urban' in the Central Lancashire Employment Land Review (ELR) and they therefore do not need to demonstrate compliance with any of the above three criteria. This is not sufficient to meet the requirements of Policy EM9. The ELR defines 'Other Urban' sites as 'sites which score poorly against one or more qualitative factors but which (could) perform an important role in the employment hierarchy.' It recommends that these sites should be protected for employment use and proposals for other uses such as housing that may come forward should only be permitted where certain criteria are met including details of active marketing and viability of employment development. This is in line with the requirements of Policy EM9. The site is therefore considered to be suitable for employment re-use and further information is required in relation to criteria i) to iii).
9. After considering the application in more detail, it is considered that residential development of the site could be justified in relation to criterion iii) of Policy EM9. Much of the surrounding area is residential and the site at present is in very poor condition and has a negative impact on the environment. Given the size and location of the site, residential development may have a more positive impact on the environment than employment reuse.
10. The Energy Efficiency/Resource Conservation Statement section of the Design and Access Statement does not set out how the requirements of Policy SR1 of the Sustainable Resources DPD are to be addressed. If approved the application will need to be conditioned to ensure that all dwellings achieve the relevant Code Level and achieve at least a 15% reduction in carbon emissions through the installation of renewable/low carbon technologies.
11. In regards to open space, the applicant does not propose any on-site provision as they state that there is adequate provision in the locality. Given the size of the site, playground and playing field provision will not be required on site however a contribution to off-site provision will be required. Amenity open space will be required on-site in accordance with Policy HS21 and its associated Interim Planning Guidance. The only exception is if the developer can demonstrate that there is adequate provision of such space within safe walking distance of the development. The applicant has not provided this information. An updated survey of open space was undertaken in 2010 which showed that in the Chorley East ward there is a deficit in playground and playing field provision.
12. **The Environment Agency**
Have no comments to make on the application
13. **Chorley's Conservation Officer**
The proposal seeks to erect 14 terraced houses on a former industrial site located between Townley Street and Charnock Street, Chorley. The design chosen is a very traditional 2-storey terraced house design with rear outrigger constructed in brick with concrete tiled roof. This design is very typical of the central area of Chorley, with a more modern layout for the accommodation.
14. As such the design philosophy is safe and uncontroversial, perhaps a little unimaginative but overall appropriate to this location. Would a solution similar to Chimney Pot Park in Salford offer a more exciting alternative?

15. They state they can see a couple of areas where minor modification would be beneficial. They suggest that it would be better to amend the orientation of the buildings so that the front elevation is to Townley Street, as this offers the slightly more open aspect to the west. They also recommend moving the buildings within the plot depth so as to be asymmetrical, i.e. the front private amenity space to be slightly smaller than the rear, and locate the parking areas at what would then be the rear of the properties with access from Charnock Street. This would leave the front elevations less cluttered by parked cars and thus provide a much more attractive frontal aspect to the development. They suggest that it would also be preferable to locate bin storage areas at the rear of the properties to reinforce the prominence and openness of the front elevations.
16. In design terms whilst the proposal is essentially acceptable, the suggestions given above would enhance the character and visual amenity for both potential occupants and passers by and result, in my view, in a better design solution.
17. **United Utilities**
Have no objection to the proposal provided that the site must be drained on a separate system, with independent connections made to the public sewerage system.
18. **Lancashire County Council (Highways)**
State they are reasonably happy with the proposed layout and think the frontage parking works quite well as it will discourage parking on the house side and restrict parking to the one side (opposite) only.
19. The concern they have is that the layout will give way to a long length of dropped footway as the gap left between the driveways is too short to pick up and drop the footway. As such this is likely to lead to cars driving along the length of the footway to the detriment of road safety. The present gap would be less than 3no standard kerb long. If the scheme were to lose at least 1no /may be 2no dwellings to facilitate a longer gap between the driveways that would enable small sections of normal footway to fit in offering a full kerb face. This would also enable erection of bollards at the raised sections, although you would not necessarily have to have bollards at each piece of footway. The bollards would help to ensure drivers give way by pulling in at the crossings to provide a passing point.
20. Therefore the above proposal would allow parking to continue on one side whilst leaving the second side free with no real change to existing parking arrangements.
21. Also, they would like to make a request for new 2m footways (existing 1.8m) on both sides of the development. The state of this footway is satisfactory for the present purpose as there is little pedestrian traffic but this will change with the development and it is the development that will require the change therefore they feel the request would be justified.
22. **Chorley's Waste & Contaminated Land Officer**
Chorley's Contaminated Land Officer asks for a condition in relation to ground contamination.
23. Environmental Health has no objection in principal to this application. However the development is close to an existing railway line and therefore I would like to see an assessment of the noise impact on the proposed development in accordance with the procedures laid out in PPG24. Subject to the findings of the assessment consideration may be needed to the orientation of habitable rooms and other appropriate noise attenuation measures.

Assessment

Background Information

24. The application site is in an old part of Chorley which previously had a mill building on it but this has been demolished and the site is currently covered in large piles of rubble and bricks. The site is bounded by Charnock Street to the east and Townley Street to the west. On the other side of Charnock Street is Jewson's builder's yard which is accessed off Lyons Lane. On the other side of Townley Street is the former Yarn Supplies site the majority of which has also been demolished but the walls have been left to ground floor window cill height to keep the land enclosed. There is an access from this site on to Townley Street. To the north of the site are a few residential properties on Charnley and Townley Street, with the rear of the commercial properties and madrasa associated with the mosque on Lyons Lane backing onto the site. To the south is Eldon House a block of sheltered accommodation and its associated car park and the mosque.

Principle of the development

25. The application site is within Chorley settlement as defined by the Local Plan. The Planning Policy Team states that the site Employment Land Review (ELR) defines the site as 'Other Urban'. These are sites which score poorly against one or more qualitative factors of the policy but which (could) perform an important role in the employment hierarchy. It is agreed that the site is suitable to be re-used for

employment purposes, however policy EM9 states that such sites should be reserved unless an employment use re-use of redevelopment would not longer be appropriate for planning or environmental reasons. The site is currently in a very poor condition and has a negative impact on the environment of the surrounding area, much of which is in residential use. It is very narrow in width and has sheltered accommodation surrounding the site to the south. For this reason although Policy EM9 is noted, the benefits of bringing the site back into use for residential purpose and the positive impact this would have on the environment of the area as allowed for under criterion iii of the policy is considered to carry more weight, and for this reason the proposal is considered acceptable in principle.

Density

26. The proposal would result in a density of 58 dwellings per hectare. Although this seems high the development does not need to incorporate any internal roads or circulation space and the area is characterised by higher density terraced properties. The density is therefore considered acceptable.

Levels

27. The site is currently piled with rubble, however once cleared it will be relatively flat but rising slightly to the south, this will result in at the last four properties being slightly higher so the ridge line of the properties will be slightly stepped up towards this end of the site.

28. Charnock Street is higher than Townley Street and the proposed properties and their front gardens will be level with Charnock Street and their rear gardens will drop down slightly to meet Townley Street.

Impact on the neighbours

29. To the north the nearest residential properties are number 1, 3 and 5 Townley Street which are side on to the site and separated by a wall approximately 2m in height. The side elevation above this wall is blank and it is not considered that the proposal would have an unacceptable impact on these properties. The rear windows of the properties on Lyons Lane would face towards the side elevation of the property on plot 1 (in which there are no windows) and there will be 12.5m between them which is in line with the interface guidelines.

30. On Charnock Street there is a small yard and single storey rear extension to the rear of 142 Lyons Lane, the only windows facing the site are in the rear ones at first and second floors in the main building and again there will be 12.5m between them and the side of the property on plot 1.

31. To the south of the site is Eldon House a two-storey block of sheltered accommodation. The car park of this building is the nearest part to the proposed properties. The end gable of this building faces towards the site and has a door at ground floor and window at first floor facing towards the proposed side elevation of the house on plot 14. There will be approximately 24m between this door and window and the side elevation of the proposed property on plot 14 which will be separated by the existing car park for the building. Eldon House is also set at a slightly higher level than plot 14. This relationship complies with the Council's interface guideline of 12m and is therefore considered acceptable. Although the flats in Eldon House have no boundary fencing to them and are surrounded by grass, it is not considered that the possibility of children playing football on the land is a reason for refusal of the application.

32. The proposed properties will face east towards Jewson's builders yard which has a solid brick wall facing the site approximately 3m in height and above that the blank elevation of Jewson's building above it at the northern half of the site totalling approximately 5m in height. There will be 18m between the first floor windows of the proposed properties and this wall and building which complies the Council's interface guidelines. There will be approximately 17.5m from the first floor rear windows of the properties to the site opposite on Townley Street which although undeveloped at this time is likely to come up for redevelopment in the future. This is considered an acceptable relationship.

Design and Layout

33. The layout of the proposed properties is difficult given the restricted width of the site. The properties must either face towards Townley Street or Charnock Street. The proposed layout has them facing towards Charnock Street. Although the comments of the Council's Conservation Officer are noted, this orientation is considered the best option as Townley Street is a cul-de-sac while Charnock Street is a through road and therefore likely to have more people passing along it. Facing the properties towards Charnock Street will give the road an active frontage rather than have the backs of properties facing it. In addition orientating the properties this way means their rear elevations face the former mill site on Townley Street and is therefore less likely to result in conflict between the two different uses and their associated parking and accesses. Bin storage is provided to the rear of the properties with parking and a small rear garden to the front. Parking will be covered in the section below.

34. The properties are of a traditional terraced design with a two-storey rear outrigger constructed in brick

with concrete tiled roof. This is considered to be in keeping with this part of central Chorley. Amended plans have been received providing the properties with false chimneys to reflect the properties in the area and also to break up the long ridge line. The proposal is therefore considered acceptable in relation to Policy HS4.

Trees and Landscape

35. The site has no trees or greenery and has the rubble remains of the former mill on it. The proposed properties will have traditional rear gardens and a small front garden will be provided for each property.

Ecology

36. There are no existing buildings on the site only piles of rubble, it is not therefore considered the proposal will have an impact on ecology.

Flood Risk

37. The site is not within flood zone 2 or 3 as identified by the Environment Agency which are areas more prone to flooding. Although the application is accompanied by a Flood Risk Assessment it concludes it is in Flood Zone 1 which is appropriate for development and the Environment Agency make no comments on the application.

Highways and Parking

38. Parking is one of the main issues with the application. There are double yellow lines on Lyons Lane coming around the corner on to the top of Charnock Street and there are double yellow lines all along Townley Street (although they are in a poor state of repair). At present Charnock Street is used for on road parking, however it is only wide enough to park on one side of the street.

39. Chorley Muslim Trust state Charnock Street is currently used for parking purposes by the nursery staff, visitors of Eldon house and members of ethnic community who attend mosque for prayers. They state the building of new houses will create traffic chaos and will put the safety of the children at risk who attend mosque at Charnock Street and madrasa at Lyons Lane, at evening times after school. They ask a condition be imposed to provide land for parking to the members of the Chorley's ethnic Muslim community who attend mosque five times a day.

40. The proposed properties will each have three bedrooms and the scheme layout provides for two off-road parking spaces per dwelling. This is in accordance with the Council's parking standards as it is not considered that in this location due to the parking issues in the vicinity these standards can be relaxed even though the properties are close to the town centre. It is therefore considered the proposed properties will not add to the on road parking in the area as they have sufficient off road parking.

41. It is acknowledged that Charnock Street is currently used for on street parking by various uses in the vicinity. Although the proposed properties will prevent parking on the west side of Charnock Street as it will be access to the driveways of the properties, parking will still be available on the east side against the wall of Jewson's builders yard. There will still therefore be parking on one side of the road.

42. The comments of Chorley Muslim Trust are noted, however the Council cannot apply a condition that requires the developer to provide land for parking for the mosque. This would not meet the tests for conditions set out in Government Circular 11/95. A condition can only be applied if an applicant has control over meeting that condition which they would not in this case and that it is necessary to make the development acceptable. The parking issues raised by the Muslim Trust are ones which already exist which the applicant cannot be expected to solve, providing they do not add to the situation. It is the considered the properties have sufficient parking spaces provided for than and that the application will not cause an unacceptable loss of on-street parking for surrounding uses as cars will still be able to park on Charnock Street, just on the opposite side to as they do now. The application is therefore considered acceptable in relation to policy TR4 of the Local Plan.

Contamination and Coal Mines

43. Given the past use of the site the Council's Contaminated Land Officer asks for a condition in relation to ground contamination and this is proposed to be applied.

Drainage and Sewers

44. The proposal is considered acceptable in relation to drainage and sewers subject to a condition requiring details of foul and surface water discharge being submitted to ensure it complies with United Utilities requirements.

Section 106 Agreement

45. The site is in close proximity (approximately 160m 'as the crow flies') from Tatton Community Centre. It

is not considered that the Council could ask for a commuted sum payment from this development. The Council's Parks and Open Spaces Manager has confirmed that the ward is well served by Tatton and Harpers Recreation ground in relation to the application at Sacred Heart of Worthy Street for 13 dwellings which is also on this Committee agenda (ref: 11/00737/FULMAJ).

Other Matters

46. Environmental Health has no objection in principal to this application though they comment on its proximity to the railway line in terms of noise. However, the site is over 100m away from the railway line, further than many other properties in the vicinity. In addition it is separated by intervening land and buildings and the application forms confirm the properties are to be double glazed. The proposal is therefore considered acceptable in relation to PPS25.

Comments on Letters of Representation

47. In response to the comments of the owner of 1, 3 and 5 Townley Street in relation to the existing parking on Townley Street, it is not considered the proposal will unacceptable impact on this as the rear of the houses will face Townley Street and each of the proposed properties will have two off road parking spaces to the front accessed off Charnley Street. It is therefore not considered that the existing parking to Townley Street will be affected to an unacceptable extent to as it exists. The Council is not able to require the imposition of double yellow lines though a planning permission.

Overall Conclusion

48. The application is recommended for approval subject to conditions.

Other Matters

Sustainability

49. The properties are required to meet Policy SR1 of the Council's adopted Development plan Document including Code Level 3 of the Code for Sustainable Homes and this will be the subject of a condition.

Waste Collection and Storage

50. The properties will have bin storage in their rear gardens with rear gates so the bins can be collected off Townley Street.

Planning Policies

National Planning Policies:

PPS3, PPG13, PPS25.

Adopted Chorley Borough Local Plan Review

Policies: HS4, TR4, EM9, GN1

Planning History

10/00950/FULMAJ Erection of 14 2-storey terraced properties. Withdrawn. January 2011.

Recommendation: Permit Full Planning Permission Conditions

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

Drawing Title	Plan Ref	Date Received
Fence Construction Details		22 June 2011
Site Location Plan	0922 22	22 June 2011
Proposed House Type A	0922 28 Rev A	5 October 2011
Proposed Site Plan	0922 24 Rev A	5 October 2011
Proposed Detailed Site Plan	0922 25 Rev A	5 October 2011
Proposed Site Sections/Elevations	0922 27 Rev A	5 October 2011

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

3. 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.

3. The site shall be drained on a separate system, with independent connections made to the public sewerage system, unless a scheme is submitted to and approved in writing by the Local Planning Authority.

Reason: To secure proper drainage and in accordance with PPS23 and Policy EP17 of the

Chorley Borough Local Plan Review 2003.

4. Before the properties hereby permitted are first occupied, the driveways/car parking areas shall be surfaced or paved, drained and marked out all in accordance with the approved plan. The car park and vehicle manoeuvring areas 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.

5. Due to past industrial processes and activities upon/adjacent to the above site, there is a potential for ground contamination. Therefore 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 sites - 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 any remediation proposals (submitted under b), which shall include an implementation timetable and monitoring proposals. Upon completion of remediation works a validation report containing any validation sampling results shall be submitted to the Local Authority.

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

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.

6. Before the development hereby permitted is first commenced full details of existing and proposed ground levels and proposed building slab levels (all relative to ground levels adjoining the site) shall have been submitted to and approved in writing by the Local Planning Authority, notwithstanding any such detail shown on previously submitted plan(s). The development shall only be carried out in conformity with the approved details.

Reason: To protect the appearance of the locality, 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.

7. 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.

8. 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.

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. The development (or any phase or sub-phase) hereby permitted shall not begin until details of a 'Design Stage' assessment have been submitted to and approved in writing by the Local

Planning Authority to show how the development will meet the Code for Sustainable Homes (Level 3 for all dwellings commenced from 1st January 2010, Level 4 for all dwellings commenced from 1st January 2013 and Level 6 for all dwellings commenced from 1st January 2016). The development shall be carried out entirely in accordance with the approved assessment and certification.

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.

10. No dwelling shall be occupied until a letter of assurance, detailing how the dwelling in question will meet the necessary code level, has been issued, to the Local Planning Authority, by an approved code assessor. The development thereafter shall be completed in accordance with the approved measures for achieving the required code level. Within 6 months of completion of that dwelling a Final Code Certificate shall be 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.

11. 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.