

**Item 4f**                      **11/01070/FUL**

**Case Officer**              **Caron Taylor**

**Ward**                         **Chorley South West**

**Proposal**                    **Proposed residential development of 9 dwellings (7 houses and 2 bungalows) following the demolition of the existing commercial premises (on the same site where 8 dwellings have been previously applied for ref: 10/00502/FUL).**

**Location**                    **Chorley Motor Auction Cottam Street Chorley PR7 2DT**

**Applicant**                    **J.B.Loughlin (Contractors) Ltd**

**Consultation expiry:** **16 January 2012**

**Application expiry:**    **2 February 2012**

### **Proposal**

1. The application is a full application for a proposed residential development of 9 dwellings (7 houses and 2 bungalows) following the demolition of the existing commercial premises (on the same site where 8 dwellings have been previously applied for ref: 10/00502/FUL).
2. An application was originally approved on the site in May 2010 (ref: 09/00985/OUTMAJ) this year. This was outline permission for 15 affordable dwellings and covered a larger site area than the current application as it included the site currently occupied by Prontaprint. Prontaprint had a number of years left on their lease and so to progress the site the applicants then applied to develop only one part of the site with 8 dwellings (6 houses and 2 bungalows), under planning application ref: 10/00502/FUL). This was approved subject to a s106 agreement for public open space. However, the legal agreement has not been signed to date and therefore the permission has not been issued. The applicant advises the remainder of the site occupied by Prontaprint will be developed in its own right once it becomes available. Although the previously approved application for the whole site (ref: 09/00985/OUTMAJ) was outline it approved the access, layout and the principle of redeveloping the site for housing and is still extant.
3. The site occupies 0.151hectares.

### **Recommendation**

4. 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 Proposed Residential Development
  - Impact on the Neighbours' amenities
  - Highway Safety and Traffic
  - Section 106 Agreement
  - Ecology

### **Representations**

5. Two letters of objection were initially received.
6. One letter is on the grounds that there are three bin storage points close to their property (5 Lichfield Road). At the end of their house they also have a patio area where they sit out, which is on the other side of the wall from the bins. They ask that this is relocated away from this spot due to smells if the bins are not emptied and the attraction of vermin. Amended

plans have been received moving this bin store and this neighbour states they now have no objection to the proposal

7. One letter has been received from a neighbour (10 Lichfield Road) stating that they have no objection to the proposed building plan, but any cars parked on the road across from their drive will make it impossible to get in or out of their garage.

### **Consultations**

8. **Director of People and Places** has no objection subject to suitable conditions.
9. **United Utilities** have no objection subject to various conditions/ informatives
10. **The Architectural Design and Crime Reduction Advisor**  
Recommend the houses are built to Secured by Design standard. A parking court is situated by plots 6 and 7. Parking courts should be situated where there is good natural surveillance. The perimeter of the properties should be secured to the side and rear and defensible space at the front formed by a 1.2m front boundary. The porches are shown to be flat but would be better pitched or placed away from walls to prevent climbing aids.
11. **Lancashire County Council (Highways)**  
Have no highway objection to the proposed development in principle. The site has extant planning permission ref: 09/00985/OUT for 15 dwelling units, however the present application is for part of the site only (approximately half).
12. The proposed residential development is consistent with the extant permission, the only difference being that all of the dwelling units are now 2 bed whereas previously a number of the units were 3 bed, and in this way the applicant has managed to squeeze 1 extra unit in. The outline application provided for 8no units over this portion of the site.
13. The car parking provision is also consistent with the extant permission. The proposed level of parking is falling slightly short of current improved standards (intended 6no units will share 2no visitor spaces for the second car space requirement) however the level of car ownership will be low as the units are clearly intended for low income families and there is sufficient on-street parking space for occasional visitor parking. The level of car parking provision is therefore acceptable.
14. Vehicular access to the parking spaces and court area will require alterations to the existing footway. Therefore, the following Note A is required to be included in the decision notice:
15. **Coal Authority**  
Require Standing Advice to be attached as an informative note to any planning permission.

### **Assessment**

#### Proposed Residential Development

16. The principle of residential development on this site has already been established by the extant outline permission on the wider site and to some extent (although the decision notice has not been issued as the application is awaiting signing of a s106 agreement) the full permission for eight dwellings on the site that has been agreed in principle.
17. Although the applicants indicate the proposal is for affordable housing, as it was previously, the number of dwellings proposed is below the threshold for the requirement of affordable housing. The Council cannot therefore insist that all or some of the dwellings are provided as affordable and there is no requirement for a s106 agreement to control this.
18. This report therefore concentrates on the change from the previous application 10/00502/FUL that an additional house.

#### Design and Appearance

19. The area surrounding the application is predominantly residential with a mixture of terraced, semi-detached and detached dwellings including two-storey properties and bungalows.

20. The previously submitted proposals incorporated the erection of six dwellings along the frontage with Lichfield Road accommodated in a single row of terraced properties (of two different house types) and the erection of a single pair of semi-detached bungalows at the rear of the site accessed between the side of the row of terraces and the existing Prontaprint building.
21. The layout is now the same but the dwellings are all now two-bedroom (as opposed to 2 and 3 bed in the previous scheme) dwellings and are therefore smaller and an additional dwelling can be fit on in the row of terraces.
22. All properties fronting Lichfield Road will be two-storey (with an approximate eaves height of 4.9m and an approximate ridge height of 7.8m). There will be two bungalows to the rear (with an eaves height of 2.3m and a ridge height of 4.9m). There are a range of properties in the immediate area including bungalows at nos. 5 and 10 Lichfield Road, however the majority of properties are two-storey. Although the two-storey properties on Lichfield Road are mainly semi-detached, the site will be viewed in the context of Coventry Street which runs down to Pall Mall which is a street of terraced properties, as are the other streets that lead to Pall Mall to the east of the site. The proposed scheme of a mix of two-storey terraced properties with a pair of semi-detached bungalows to the rear is therefore considered acceptable and in keeping with the area.
23. A condition is proposed regarding materials.

#### Impact on the Neighbours' amenities

24. The proposed layout is similar to that approved by application 09/00985/OUTMAJ in May 2010 and the permission granted subject to a s106 agreement 10/00502/FUL apart from the individual terraces properties are narrower allowing another one to be added to the row with the associated change to the parking. In addition the two bungalows to the rear are positioned further back on the site and are an alternative house type also resulting in an alternative parking layout. It is not considered that the proposed dwellings will adversely impact on the amenities of the existing or future residents. The properties to the rear of the site are bungalows and therefore there will not be overlooking from first floor windows into neighbouring gardens including no. 5 Lichfield Road and the properties to the rear on Devonshire Road. There will be over 21m to the properties facing the site on Lichfield Road which complies with the interface guidelines.
25. The proposal is therefore considered acceptable in relation to neighbour amenity and policy HS4 of the Local Plan.

#### Highway Safety and Traffic

26. The access to the site also remains as per approved by the previous application with a 4m wide shared access drive between the row of proposed properties and the existing Prontaprint building leading to small parting court for the rear properties. The row or terraces will have frontage parking along Lichfield Road. The parking provision for the extant outline scheme proposed six properties along the frontage with 8 parking spaces provided for them. Four of those properties were 3-bed and two were 2-bed. The seven proposed properties would have 8 parking spaces available to them. Although this is one less than the extant outline approval, all the properties are two bed and therefore it is considered that the parking level can be justified on this basis. Overall on the site there are 14 parking spaces for 9 dwellings. The previous approval accepted that the level of parking is less than the two per dwelling normally requires for dwellings of this size but that the site is located within a very sustainable location close to Chorley Town Centre and alternative modes of transport. The level of parking proposed is considered to be acceptable for this sustainable location. In addition there is some on road parking available as The Gospel Hall on Rydal Place is on the corner of Lichfield Road so there are no residential properties on this corner.
27. A resident who lives at no. 10 Lichfield Road has objected to the scheme on the grounds that people will park outside the proposed properties. When people park there they cannot get their car into their garage. This resident made the same objection to the previous scheme.

However, there are no double yellow lines on this part of Lichfield Road so people can park there now. In addition, the development of the site would only continue the existing housing development on the northwest side of Lichfield Road down further on this side of the road and result in a similar arrangement between facing properties as there is between existing properties. It is not considered the resulting relationship with no. 10 is an unusual or unacceptable relationship in a residential area.

#### Section 106 Agreement

28. A Section 106 Agreement is required to secure £12,411 for the provision of equipped play space within the Borough.

#### Ecology

29. The proposal involves the demolition of existing buildings on site. Conditions are proposed in relation to ecology to ensure the application complies with PPS9.

#### **Overall Conclusion**

30. The site is a brownfield, sustainable location. There is already an extant permission approving the same access and a similar layout as now proposed for this part of the site that is a material consideration in determining this application. The additional dwelling is considered acceptable subject to appropriate conditions.

#### **Other Matters**

##### Sustainability

31. The first policy document, Sustainable Resources DPD, within Chorley's new Local Development Framework (LDF), the new style Local Plan, was adopted in September 2008. As such the scheme will be required to achieve a minimum 15% reduction in energy consumption and accord with Code for Sustainable Homes. Conditions are proposed to secure this.

#### **Planning Policies**

##### National Planning Policies:

PPS1, PPS3, PPS9, PPS22, PPS23

##### Adopted Chorley Borough Local Plan Review

Policies: GN1, GN5, GN9, EP17, EP18, HS4, HS7.3, TR1, 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**

**9/78/913-** New Roof to Existing Garage. Approved October 1978

**9/82/604-** Change of Use of Tyre Depot to Health Club. Approved November 1982

**03/01327/ADV-** Display of internally illuminated fascia sign, two flat signs and sign on yard entry. Approved March 2004

**09/00985/OUTMAJ-** Outline application for the erection of 15 affordable dwellings, following the demolition of the existing commercial premises. Approved May 2010.

**10/00502/FUL** - 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). Approved subject to signing of s106 agreement for POS. Decision notice not issued.

**Recommendation: Permit (Subject to Legal Agreement)  
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.	Date received:	Title:
09/120/P02 Rev B	20 January 2012	Proposed Site and Location Plan
09/120/P03 Rev A	8 December 2011	House Type Plans & Street Scenes
09/120/P04	8 December 2011	House Type F – 2BG44 Plans and Elevations
10/120/F02	8 December 2011	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).

*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 Rev B and 10/120/F02.

*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 Rev B 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 30 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. 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) and achieve 2 credits within Issue Ene7: Low or Zero Carbon Technologies.

*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.*

15. 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.

*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.*

16. No dwelling shall be occupied until a letter of assurance, detailing how the dwelling in question meets the necessary code level and 2 credits under Issue Ene7, has been issued to the Local Planning Authority, by an approved code assessor. 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.*