

Item 4a **12/00059/FUL**

Case Officer **Caron Taylor**

Ward **Chorley East**

Proposal **Two pairs of semi-detached dwellings (four dwellings in total). Resubmission of withdrawn application 11/00612/FUL.**

Location **The Builders Yard Froom Street Chorley PR6 0AN**

Applicant **Mr Peter Carter**

Consultation expiry: **1 March 2012**

Application expiry: **19 March 2012**

Proposal

1. Two pairs of semi-detached dwellings (four dwellings in total). Resubmission of withdrawn application 11/00612/FUL.
2. The site is currently in use as a builder's yard.

Recommendation

3. It is recommended that this application is granted conditional outline planning approval subject to the associated Section 106 Agreement

Main Issues

4. The main issues for consideration in respect of this planning application are:
 - Principle of the development
 - Background information
 - Density
 - Levels
 - Design
 - Impact on the neighbours
 - Open Space
 - Trees and Landscape
 - Flood Risk
 - Traffic and Transport
 - Contamination and Coal Mines
 - Sustainable Resources
 - Waste Collection

Representations

5. One letter of objection has been received from a resident of Bracken Close on the following grounds:
 - The proposal will have a negative impact on their property on Bracken Close as the land is approximately 1m higher therefore the buildings would overlook and have a detrimental impact on their privacy;
 - They already have a lack of light due to trees that have tree preservation orders on them and the proposed properties would make this worse;
 - The proposal would have a detrimental effect on the whole area. The proposal was declined 6 months ago and they see no reason for this to be overturned when the circumstances remain the same.
6. One letter of support has been received from a resident of Bracken Close. They state having

seen the plans they support the application and have no objections to the resubmission of withdrawn application 11/00612/FUL.

Consultations

7. The Environment Agency

Have no comments to make on the application.

8. Lancashire County Council (Highways)

Froom Street is classified as a local access road subject to a 30mph speed limit. There is on-street parking available in the vicinity of the site, however there is an existing demand for on-street parking due to a number of terraced properties located along Froom Street.

9. Based on the Regional Spatial Strategy (RSS), they are of the opinion that inadequate off road parking has been provided for the type and size of the development. However, it is noted that the parking arrangements have been improved from those put forward within the previous application. The garage doors have been altered to roll doors and as such a driveway length of 5.5m is acceptable. However, the previous comments with regard to garage dimensions remain. The RSS advised that garages spaces are not included within space provision. However, if development provides them and their long term use for the storage of a vehicle is protected by appropriate planning conditions it may be possible to include them.

10. Manual for Streets recommends a minimum garage size of 6x3m, which is considered capable of accommodating two cycle spaces. The provision of alternative cycling storage does not mean the minimum size can be reduced as a smaller garage is not considered suitable for use as a parking space.

11. While they would recommend that parking provision should be provided in accordance with the RSS, it is appreciated that there are now some parking facilities provided for each dwelling. Due to this they do not consider that there would be sufficient grounds for refusal on highway grounds based solely on the parking provision associated with the site. They therefore consider that the provision of two pairs of semi-detached dwellings should have a negligible impact on highway safety and highway capacity in the immediate vicinity of the site. They recommend informative notes to be applied to any permission.

12. Chorley's Waste & Contaminated Land Officer

Request a condition requiring a report to identify any potential sources of contamination on the site and where appropriate, necessary remediation measures and an informative note be applied to any permission.

Applicants Case

13. A development appraisal in support of this application details how a scheme for fewer than four dwellings is not financially viable. The scheme has been modified to address previous concerns without reducing the number of units.

14. The previously withdrawn application had a rear garden depth of between 7.8m and 7.4m which was considered to conflict with the Council's design guidance in that there should be 10m between a first floor window and the boundary with another property. To address this the house layout has been amended to avoid direct overlooking to the rear by use of a high level, cranked velux, which is partially located on the rear elevation and partially on the roof. The other two windows to the rear elevations are bathroom windows and will have obscure glazing to avoid visibility to and from neighbouring windows.

15. The proposed garage doors have now been changed to roller doors which will allow a parking space to be provided on the driveway whilst allowing the garage door to be opened without interference. Another parking space is provided in the garage. Although the space would be marginally smaller than requirements the garage could be used as an additional parking space if required for all but the very largest of vehicles. The standards require 2-3 bedroom properties to have two off road parking spaces, however the application site is considered to be in a sustainable location and well served by public transport therefore a

lower level of provision could be considered appropriate. The application site has a number of terraced houses to the west, however the majority of Froom Street comprises of detached bungalows with driveways and semi-detached residential dwellings with off-street parking. Therefore, although there is some demand for on-street parking there appears to be an adequate amount of off-street parking available on Froom Street if it is required, without leading to local parking congestion. As the proposed development can provide one parking space per residential dwelling on a driveway, plus one parking space within a garage and an adequate amount of on-street parking is available on Froom Street, it required, without causing parking congestion, the proposed development is considered acceptable in this respect.

Assessment

Background Information

16. An application for two pair's of semi-detached properties was withdrawn in August 2011 (ref: 11/00612/FUL) after the Council raised concerns regarding proximity of rear windows to the properties on Bracken Close and the proposed parking provision.

Principle of the development

17. The site is in the general settlement of Chorley in both the Local Plan and Site Allocations and Development Management Policies DPD (Preferred Option stage) which forms part of the emerging Core Strategy.
18. All previous applications on the site have noted that the current builder's yard use is unsuitable for the residential area it is in. In 1991 (ref: 91/790) two detached properties and two semi-detached properties were permitted on the site but this permission was never implemented. In 1993 a storage building was permitted on the site but only on a temporary basis to ensure it did not prevent future redevelopment of the site. The site is previously developed land and the building of four dwellings is considered acceptable in principle.

Density

19. The proposal would be at an equivalent density of 66 dwellings per hectare.

Levels

20. The finished floor levels of the proposed properties have been requested from the agent for the application. As the first floor rear windows are either high level or obscure glazed there will not be overlooking to the rear, but further information on levels will be placed on the addendum.

Design

21. The two pairs of semi-detached properties would have a main front elevation where the front door would be positioned with a small gable feature at first floor. A two-storey element would join the two half of each pair together set back from the main front elevation with a lowered ridge with a garage at ground floor level.
22. There are a wide range of properties in the area. To the west are terraced properties, opposite the site are bungalows and to the east (no. 32) is a two-storey house. The scale and design of the proposed properties is therefore considered acceptable in relation to policy HS4 of the Local Plan.

Impact on the neighbours

23. One of the areas of concern raised in the previously withdrawn application was the relationship with the neighbouring properties to the rear (south) on Bracken Close. The Council's interface guidelines specify there should be 10m between a first floor window and the boundary with another property and 21m between facing windows, which in this case there is not. The current application has a distance of between 7.2m and 7.7m between the first floor windows of the properties and the boundaries with Bracken Close and between 20.6m and 21.5m between facing windows. Some of these fall short of the interface distance guidelines of 10m and 21m. However, the plans now propose that two of the windows on the rear will serve a bathroom and an en-suite and the other will be a high level window and roof light to prevent overlooking to the properties to the rear on Bracken Close. The normal

interface distances from habitable room windows do not therefore apply. The Council have received amended plans reducing the size of the bathroom window and ensuring they are only top hung (with obscure glass) to reduce the feeling of perceived overlooking from the windows. The relationship to these properties is therefore considered acceptable subject to conditions securing the above.

24. Opposite the site on the other side of From Street are bungalows. There would be 19.7m between the proposed properties and these bungalows which is below the interface guideline of 21m but this only applies to facing first floor windows. However the terraced properties immediately to the west of the site have only 14m between their facing first floor windows, whereas the properties to the east this increases to 22m and 21.5m. The proposal at 19.7m between the proposed properties and bungalows would therefore create a transition between the terraced properties to the west and the properties to the east that are set back further, which is considered favourably in design terms. An interface of 19.7m between ground floor windows is considered acceptable between facing properties as there are already views into the fronts from the street. No objection has been received from the properties opposite.
25. The application is therefore considered acceptable in relation to neighbour amenity. It is not considered necessary to remove the permitted development rights for extension of the properties as two-storey extensions could not be erected under permitted development rights as there would not be 7m to the rear boundary. It is not considered single storey extensions and outbuildings within permitted development rights would have an unacceptable impact on the amenities of neighbouring properties. A condition is proposed removing permitted development rights for the insertion of further windows on the rear elevation to prevent overlooking.

Open Space

26. A commuted sum is required in relation to play space and this application is therefore recommended subject to payment of this.

Trees and Landscape

27. There is a Tree Preservation Order to the rear of the site in the gardens of the properties on Bracken Close (TPO 5 Chorley 1995). The nearest tree to the site is in the rear garden of 8 Bracken Close to the rear of number 32, it is not considered the proposal will impact on this tree.

Flood Risk

28. The site is not within Flood Zones 2 or 3 as identified by the Environment Agency and it is less than 1 hectare in area, therefore a Flood Risk Assessment is not required.

Traffic and Transport

29. The Council's standards require 2-3 bedroom properties to have two off road parking spaces. Each of the properties will have one off road parking space to the front and an integral garage. The garage is smaller than the normal 6 x 3m standard at 5.7m x 2.5m however LCC Highways advise that they do not consider that the proposal could be refused on highway grounds. Considering the location of the site near the town centre and that the property does have a space to the front and a garage (although of a size smaller than normally required) the view of LCC is concurred with subject to a condition requiring the garage to be retained.

Contamination and Coal Mines

30. A condition is proposed as requested by the Council's Contaminated Land Officer.

Sustainable Resources

31. As the application is for more than three dwellings the proposal needs to comply with the Council's sustainable resources policy SR1 which will be secured by condition.

Waste Collection

32. The properties all have side access to allow bin storage in the rear gardens.

Overall Conclusion

33. The application is recommended for approval subject to conditions and a payment towards public open space.

Planning Policies

National Planning Policies:

PPS1, PPS3, PPG13

Adopted Chorley Borough Local Plan Review

Policies: GN1, HS4

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

11/00612/FUL Two pairs of semi-detached dwellings (four dwellings in total). Withdrawn August 2011.

93/00783 Erection of temporary storage building. Permitted.

91/00790 Construction of two detached and two semi-detached properties. Permitted not implemented.

88/00231 Detached house. Permitted (now number 32)

88/00230 Builders workshop to replace existing (not implemented)

Recommendation: Permit Full Planning Permission Conditions

- 1. The housing hereby permitted shall not commence 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 Policy Nos. EP18 and EP19 of the Adopted Chorley Borough Local Plan Review.**
- 2. No dwelling shall be occupied until a letter of assurance, detailing how the dwelling in question has met 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.**
- 3. 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 in accordance with Policy No. HS4 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 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 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. 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. Before each dwelling hereby permitted is first occupied, its driveway shall be surfaced or paved, drained and marked out all in accordance with the approved details.

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.

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

Plan Ref.	Received On:	Title:
1877-11 07	23 January 2012	Plans and Elevations
1877-11 03 Rev A	14 March 2012	Proposed Elevations
1877-11 08	14 March 2012	Landscape Plan
1877-11 05	23 January 2012	Plans and Elevations
1877-11 08	23 January 2012	Location Plan
1877-11 06 Rev A	14 March 2012	Plans and Elevations
1877-11 04	23 January 2012	Plans and Elevations
0877-11 09	14 March 2012	Proposed Street Elevations

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

8. 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.

9. 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.

10. The integral/attached garage shall be kept freely available for the parking of cars and shall not be converted to living accommodation, notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995.
Reason: To ensure adequate garaging/off street parking provision is made/maintained and thereby avoid hazards caused by on-street parking and in accordance with Policy No.TR4 of the Adopted Chorley Borough Local Plan Review.
11. The windows in the first floor of the southern elevations of the properties hereby permitted serving a bathroom and/or en-suite 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.
Reason: In the interests of the privacy of occupiers of neighbouring property and in accordance with Policy Nos. GN5 and HS4 of the Adopted Chorley Borough Local Plan Review.
12. 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 or dormer windows other than those expressly authorised by this permission shall be inserted or constructed at any time at first floor level or above in the southern elevations of any of the dwellings hereby permitted.
Reason: To protect the amenities and privacy of the properties on Bracken Close property and in accordance with policy HS9 of the Adopted Chorley Borough Local Plan Review.
13. The garage doors of the properties shall be roller shutter types as detailed on the approved plan(s) and no others substituted.
Reason: To ensure that there is sufficient space in front of the garage to park a vehicle off the road and still allow the garage door to be opened, therefore ensuring that the off road parking at the property is maintained and in accordance with policy TR4 of the Adopted Chorley Borough Local Plan Review.
14. Due to the size 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
15. 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 Policy Nos. EP18 of the Adopted Chorley Borough Local Plan Review and PPS25.
16. 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 1st January 2010, Level 4 for all dwellings commenced from 1st January 2013 and Level 6 for all dwellings commenced from 1st 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.

17. 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 to show how the development will meet the relevant Code Level. 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.

18. The proposal hereby permitted shall not commence 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 Policy Nos. EP18 and EP19 of the Adopted Chorley Borough Local Plan Review.