

**Item B. 8**                      **06/00333/FUL**                      **Permit Full Planning Permission**

**Case Officer**                      **Miss Rachael Hulme**

**Ward**                                      **Eccleston And Mawdesley**

**Proposal**                              **Removal of condition No 8 of planning approval Ref 05/00015/FUL relating to obscure glazing in the front elevation first floor windows**

**Location**                              **Towngate Works Dark Lane Mawdesley OrmskirkL40 2QU**

**Applicant**                              **C Tec Research And Development**

**Proposal:**                              The application is to for the removal of condition No.8 of planning approval Ref 05/00015/FUL relating to obscure glazing in the front elevation first floor windows.

**Location:**                              Towngate Works Dark Lane Mawdesley L40 2QU

**Applicant:**                              C Tec Research and Development.

**Background:**                              The property history is listed below:

05/00015 – Construction of a part single storey and part two-storey office block and car parking - PERFP

**Policy:**                                      Relevant policies of the Adopted Chorley Borough Local Plan Review are: -

GN5 Design  
DC1 Development in the Green Belt

**Representations:**                      Four letters of objection have been received from neighbouring properties 'Appleton', 'Homestead', 'Thornlea' and 'San Michele'. Their objections refer to: -

- Intrusion of privacy
- The original condition was worded wrong
- The window are detrimental to the interest of residential amenity
- The height of the building exceeds that on the approved plan

**Assessment**                              This site was granted planning permission under application 05/00015/FUL for a part single storey and part two-storey office block and car parking. A condition was attached to the permission at the request of Members of the Development Control Committee that required all windows on the first floor front elevation be obscure glazed. This condition is the subject of this application.

The first floor window's face directly towards the rear of dwellings fronted onto Dark Lane, namely, 'Homestead' and 'San Michele'. The rear elevation of the nearest neighbouring properties, 'San Michele' and 'Homestead' stands 28 metres from these facing

windows. There is currently a 5+-metre high conifer hedge along the rear boundaries of these two facing properties. The guidance in the Council's Design Guidance adopted in July 2004 states that 'Windows to habitable rooms at first floor level should be a minimum of 21 metres from any such facing windows in neighbouring houses'. Although this is not intended to be applied to offices and is primarily designed to deal with relationships between residential properties it is the only published guidance on overlooking produced by the Local Planning Authority. As such it remains the most relevant benchmark against which this application can be judged.

The first floor windows in the front elevation do not directly face onto neighbouring property 'Appleton'. However it is accepted that the rear of the property can be seen from the adjacent full-length windows on the first floor of the property. The property has a 2-metre fence along the boundary with the application site and also a 3-metre conifer hedge along part of this boundary. The Council's Design Guidance also states that 'Windows to habitable rooms at first floor level which overlook neighbouring garden areas should be a minimum of 10 metres from the boundaries they face'. There is a distance of 25 metres from the nearest first floor window and the boundary to the rear of neighbouring property 'Appleton' to the North East of the application property and a distance of 33 metres from the nearest first floor window and the rear of the property.

Issues raised by the objection letters received from neighbouring properties relating to the height of the building is a separate issue and cannot be taken into account as part of this application. A copy of those letters has been passed to the Council's enforcement officer with a request that he investigates this issue. The wording of condition No.8 of planning approval 05/00015/FUL reflects the Members decision to impose an obscure glazing condition to the front elevation of the property. It was not requested by Members that any other first floor elevations should be fitted with obscure glass.

Taking the above points into consideration and after viewing these neighbouring properties from the windows, which are the subject of this application, it is considered these windows will not cause an unacceptable loss to the amenity of neighbouring properties in line with Policies in the Adopted Chorley Borough Local Plan Review.

**Recommendation: Permit Full Planning Permission Conditions**

1. The Development shall only be carried out in accordance with the approved plans, except as may otherwise be specifically required by any other condition of this permission or unless otherwise first agreed to in writing by the Local Planning Authority.

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

2. Before the development hereby permitted is first occupied, the car park and vehicle manoeuvring 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 TR8 of the Adopted Chorley Borough Local Plan Review.*

3. No development shall take place until a scheme of landscaping has been submitted to and approved in writing by the Local Planning Authority, notwithstanding any such detail, which may have previously been submitted. The scheme shall indicate all existing trees and hedgerows on the land; detail any to be retained, together with measures for their protection in the course of development; indicate the types and numbers of trees and shrubs to be planted, their distribution on site, those areas to be seeded, paved or hard landscaped; and detail any changes of ground level or landform.

*Reason: In the interests of the amenity of the area and in accordance with Policy GN5 of the Adopted Chorley Borough Local Plan Review.*

4. All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following the occupation of any buildings or the completion of the development, whichever is the sooner, and any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority gives written consent to any variation.

*Reason: In the interest of the appearance of the locality and in accordance with Policy GN5 of the Adopted Chorley Borough Local Plan Review.*

5. The approved plans are:

Plan Ref.	Received On:	Title:
	6/1/05	Site Location Plan
	7/2/05	Site Plan
	6/1/05	Floor Plans / Elevations

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

6. 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 GN5 of the Adopted Chorley Borough Local Plan Review.*

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