

<b>Item 3d</b>	<b>13/00644/FUL</b>
<b>Case Officer</b>	<b>David Stirzaker</b>
<b>Ward</b>	<b>Chorley South East</b>
<b>Proposal</b>	<b>Erection of a single storey flat together with associated car parking</b>
<b>Location</b>	<b>7 Albert Street, Chorley, PR7 2TY</b>
<b>Applicant</b>	<b>Messrs Tranter &amp; Burgess</b>
<b>Consultation expiry:</b>	<b>9<sup>th</sup> August 2013</b>
<b>Decision due by:</b>	<b>11<sup>th</sup> September 2013 (Extension agreed to 20<sup>th</sup> February 2015)</b>

## **UPDATE**

It was previously considered that this application could be dealt with under delegated powers following Chairs Brief on 5<sup>th</sup> November 2013 subject to an associated legal agreement to secure a commuted sum payment for the provision of off-site public open space. However the formal decision notice has not yet been issued and since the changes introduced by the National Planning Practice Guidance (NPPG) in November last year, the Council's revised position is that all applications affected by the change to NPPG are taken to Chair's Brief for further consideration.

The NPPG was updated by Government on 28 November 2014 in respect of contributions for affordable housing and tariff style planning obligations. These measures were introduced to support small scale developers by reducing what are in the Government's view disproportionate burdens on developer contributions. The updated guidance confirms that such contributions should not be sought from small scale and self-build development. In particular, the guidance states that contributions should not be sought from developments of 10 units or less, and which have a maximum combined gross floorspace of no more than 1000m<sup>2</sup>.

This development is for one dwelling which is below the 10 unit threshold and also has a gross floorspace of less than 1000m<sup>2</sup>. In the case of this development there is no evidence at this time, which is directly related to the development, to seek a contribution towards public open space contrary to the national guidance.

The officer's original report is set out below and Members will note that the recommendation previously was to approve the application subject to a legal agreement. However since the NPPG changes this has now been revised to APPROVE. In all other respects the assessment of the proposal is unchanged and there are no other amendments to the report.

This application was taken to Chair's Brief 5th November 2013 where it was considered that as there are identified open space/ play space deficits in this part of the Borough, and since the applicant has not agreed to enter in a legal agreement to secure a commuted sum towards provision, the Development Control Committee should determine whether a contribution towards public open space is necessary. The identified deficits are set out as follows:

#### Amenity Greenspace

The amount required is £140 towards new provision in the Chorley South East ward.

#### Provision for children/young people

The amount required is £134 towards new provision in the Chorley South East ward.

#### Allotments

There is no requirement to provide allotment provision on site within this development.

A new allotment site within the accessibility catchment (10 minutes' drive time) is proposed at Land at Sylvesters Farm, Euxton (HW5.2). In addition, there are allotments within the accessibility catchment that are assessed as low quality and/or value in the Open Space Study (1644 – Whittam Road, Chorley, 1646 – Worthy Street, Chorley, 1647 – Chapel Lane, Coppull, 1648 - Preston Road, Whittle-le-Woods). A contribution towards either new provision or improving the quality/value of these sites is therefore required from this development. The amount required is £15 per dwelling.

#### Playing Pitches

A Playing Pitch Strategy was published in June 2012 which identifies a Borough wide deficit of playing pitches but states that the majority of this deficit can be met by improving existing pitches. A financial contribution towards the improvement of existing playing pitches is therefore required from this development. The Playing Pitch Strategy includes an Action Plan which identifies sites that need improvements. The amount required is £1,599 per dwelling.

Members need not rehearse the arguments aired when it was first agreed by the Council that the matter could be approved. Any discussion should instead concentrate on the issues regarding imposition or not of tariff style obligations in s.106 agreements raised by the Ministerial Statement dated 28 November 2014. However if there have been material changes in relation to the application site since it was agreed that the application could be approved which might cause the decision to be revisited members are encouraged to discuss these issues.

**Recommendation**

**Approve**

**Signed:** .....

**Case Officer:** D. Stirzaker .....

**Agreed:** .....

**Date:** 1<sup>st</sup> November 2013.....

**Date:** .....

**Consultation expiry date:** 9<sup>th</sup> August 2013

**Decision date:** 11<sup>th</sup> September 2013

### **Proposal**

1. This application seeks planning permission for the erection of a single storey flat and the relocation to two parking spaces to the front of the site along with the provision of an additional parking space. The front of the flat will be set 700mm from the footpath running along Albert Street. The flat takes the form of a small bungalow and it will be built off the side elevation of the existing two storey apartment building on the site.
2. The application site is located in Chorley Town Centre on the corner of Albert Street and Victoria Street. The proposed flat will cover a part of the site which comprises two hard surfaced car parking spaces and a small section of lawn.
3. The design utilises a pitched roof which matches the angles of the main roof and will be faced with concrete tiles. Elevations will comprise red coloured facing brick whilst windows and doors are to be white UPVC.

### **Recommendation**

4. It is recommended that this application is granted conditional planning permission subject to the signing of a S106 agreement.

### **Main Issues**

5. The main issues for consideration in respect of this planning application are:
  - Principle of the development
  - Impact on the neighbours
  - Design & Streetscene
  - Trees & Landscape
  - Traffic & Transport
  - Contamination & Coal Mines
  - Drainage and Sewers
  - Section 106 & Community Infrastructure Levy (CIL)

### **Representations**

6. One letter of objection has been received from the occupier of the first floor flat, the contents of which can be summarised as follows: -
  - The lease documentation associated with the first floor flat confirm that the development proposed is to take place land which is associated with this property (9 Albert Street)
  - As the parking space is legally part of the lease holding of the first floor flat, it seems evident that no building can take place on this land while it remains as such
7. No letters of support have been received.

### **Consultations**

8. **United Utilities** do not raise any objections and advise that if possible this site should be drained on a separate system, with only foul drainage connected into the foul sewer. Surface water should discharge to the soakaway/watercourse/surface water sewer and may require the consent of the Local Authority. If surface water is allowed to be discharged to the public surface water sewerage system they may require the flow to be attenuated to a maximum discharge rate determined by United Utilities.

9. **Lancashire County Council (Highways)** have not raised any objections to the application subject to a minor amendment to the plans comprising the repositioning of the parking spaces closer to the southern site boundary to improve visibility.
10. **The Council's Waste & Contaminated Land Officer** does not raise any objections to the application.

### **Assessment**

#### Principle of the development

11. The site of the proposed flat comprises two parking spaces and a small part of the garden associated with the flats (7 & 9 Albert Street). Given the status of the site, the application falls to be considered against emerging Policy HS3 in the Chorley Local Plan. This will replace the Interim Policy on Private Residential Garden Development. In the recently issued partial report following consultations on the main modifications, the Inspector states that because of the very advanced stage in the examination process that the main modifications have reached, significant weight should be attached to all policies and proposals of the plan that are amended accordingly.
12. Policy HS3 states that development within private residential gardens not allocated for housing will only be permitted for (a) appropriately designed and located replacement dwellings where there is no more than one for one replacement, (b) the conversion and extension of domestic buildings, and (c) infill development on gardens which is classified as the filling of a small gap in an otherwise built up street frontage which is typically a gap which could be filled by one or possibly two houses of a type in keeping with the character of the street frontage.
13. The site does not specifically comply with any of criteria (a) or (b) due to the nature of what is proposed. With regards to criteria (c), the site does not meet the definition of an infill plot as it is not a gap in a built up frontage.
14. However, paragraph 5.29 of the preamble to Policy HS3 states that when assessing applications for garden sites the Council will also have regard to the relationship of development to the surrounding character in terms of density, siting, layout, massing, scale, design, materials building to plot ratio and landscaping. The preamble also states that the Council will have regard to sustainability issues such as access to public transport, school, businesses and local services and facilities.
15. Policy HS3 includes the additional sustainability criteria detailed above so in terms of this issue, there are factors which weigh in favour of the proposal. The site is located in an established residential area just outside of the main town centre boundary hence the site is therefore within walking distance of the main bus station, train station and the range of shops and services which can be found in the town centre.
16. On the basis of the above factors, it is considered that the site is in a sustainable location and therefore meets with the objectives of Criteria (1) of Policy HS3, which seeks to promote sustainable forms of development. Notwithstanding the above, criteria (e) of Policy 1 of the Central Lancashire Core Strategy seeks to focus growth and investment in Chorley Town which is designated in the Central Lancashire Core Strategy by Policy 1 (Criteria (b) ii) as a Key Service Centre.
17. In terms of local character, this issue is assessed in paragraphs 24, 25 and 26 wherein it is considered that the development will fit in with the characteristics of the locality. In light of the above factors, it is considered that these weigh in favour of the 'principle' of planning permission being granted for the development of a flat, subject to the material considerations set out in the following paragraphs.

#### Levels

18. The site is flat so the proposed development does not raise any notable issues in terms of the level of the flat on the site, its relationship with the adjoining properties or the impact it will have on the locality.

#### Impact on the neighbours

19. The proposed flat is single storey in nature. There are habitable room windows in all of its elevations. The entrance to the flat is off Albert Street and in this elevation there are also windows to a bedroom and a bathroom. This elevation faces the rear yard and the side elevation of 21 Victoria Street. The ground floor side elevation of this property is blank. There is a first floor window in this property but the outlook from it is off set in terms of the bedroom window in the proposed flat.
20. The windows in the west elevation of the flat will look onto the front garden area and beyond this 18m west is St Georges Court, a three storey block of apartments. The lounge window in the flat will be approximately 18m away from the nearest window in the elevation of the apartment block facing the site, which is no nearer than the existing windows in 7 and 9 Albert Street.
21. The kitchen window in the east facing elevation will look onto the access path serving the flats (7 & 9 Albert Street), a small landscaped area and then the driveway serving 5 Albert Street, from which it will be approximately 3.7m away, However, the driveway serving 5 Albert Street is not the private intimate amenity space associated with this property so this distance is considered acceptable in these circumstances.

#### Design & Streetscene

22. The design of the single storey flat building is simple utilising a pitched roof to match that of the existing building and given its scale, it will read as an extension to the existing building. The application forms state that white UPVC windows and doors will be installed whilst the elevations will comprise red facing brick and the roof will be finished with concrete interlocking tiles.
23. The final details of the materials will be required to be submitted pursuant to a condition. The single storey nature of the building also reduces its impact on the locality although the local area is characterised by high density terraced properties which are generally two storey in nature and front directly onto the footpath. There is also a 700mm gap proposed between the front of the property and the road and this is shown as landscaped on the site plan which will soften the impact of the development. The existing lawned area will also be retained between the west elevation and Victoria Street.
24. In terms of streetscene impact, there are modern properties on Albert Street comprising a row of three two storey dwellings which are set back from the footpath with off street parking spaces to the front. The flat will sit forward of these properties but given the local pattern of development, it is not considered that this will harm the character and appearance of the locality as at the eastern end of Albert Street, the end terrace property abuts the road as does the corner terrace property opposite the application site. Opposite the application site is a three storey building which is again fronts the footpath and the property to the north of this also abuts both Halliwell Street and Victoria Street.

#### Trees and Landscape

25. The site is open in character with a lawned area at the front and a hardstanding comprising two parking spaces at the side. These car parking spaces will be re-located to the front of the site to make way for the flat.

#### Traffic and Transport

26. The site is located in the town centre hence it benefits from being very close to the main bus station and the train station and within the town centre there are a myriad of services available. The site is therefore considered to be in a highly sustainable location.
27. As existing there are two car parking spaces. The proposed layout includes three car parking spaces which equates to one space per flat so this complies with the Policy ST4 of the emerging Chorley Local Plan and the accompanying Parking Standards.

28. LCC (Highways) have not raised any objections to the application subject to a minor reconfiguration to the car parking spaces wherein they are sited as close to the southern site boundary as possible.

#### Contamination and Coal Mines

29. The Council's Land & Contaminated Waste Officer raises no objections to the application. In terms of coal mining, the site is in a Low Risk Area so an informative will be attached to the permission drawing the applicant's attention to the potential low risk of unrecorded mining hazards being present on the site.

#### Drainage and Sewers

30. United Utilities have not raised any objections to the application and advise that if possible, the site should be drained on a separate system with only foul drainage connected into the foul sewer whilst surface water should discharge to the soakaway/watercourse/surface water sewer and may require the consent of the Local Authority. United Utilities also advise that if surface water is allowed to be discharged to the public surface water sewerage system may require the flow to be attenuated to a maximum discharge rate determined by United Utilities.

#### Section 106 Agreement & Community Infrastructure Levy (CIL)

31. A S106 agreement is required to secure the commuted sum to be used towards off site play space and this equates to a figure of £1888.
32. This development is liable for CIL and a notice of liability will be issued with the decision notice if planning permission is granted.

#### **Overall Conclusion**

33. With reference to Policy HS3 of the emerging Chorley Local Plan, it is considered that the 'principle' of the flat on this site is acceptable due to the sustainable credentials of the site and the relationship of the proposal with the locality. Moreover, criteria (b) ii of Policy 1 of the Core Strategy encourages growth and investment in Chorley Town, which is identified in the policy as a Key Service Centre.
34. From a design perspective and streetscene perspective, the locality comprises high density terraced housing, much of which fronts directly onto the street and the scale of the flat is subservient to the main building so the design is considered acceptable. With regards to streetscene, it is not considered that the flat will have a detrimental impact on the locality.
35. With regards to neighbour amenity, the relationship with the surrounding properties is considered to be acceptable. Neither the occupier/s of the flat nor the occupiers of the adjacent properties will suffer detrimental harm to their living conditions as a result of the development.
36. The two existing parking spaces will be relocated to the front of the site and an extra space will also be provided to serve the proposed flat. Adequate off road parking space is shown on the site plan to serve the three properties resulting on the site so the level of car parking is adequate and meets the standards in the emerging Chorley Local Plan.
37. On the basis of the above, it is recommended that planning permission be granted for the bungalow, subject to the signing of a S106 agreement.

#### **Other Matters**

##### Sustainability

38. In line with Policy 27 of the Core Strategy, the bungalow will be required to be constructed to meet the relevant level of the Code for Sustainable Homes so the standard conditions are recommended to be attached to the permission requiring this.

##### Waste Collection and Storage

39. There is sufficient space within the curtilage of the site for waste bins to be stored and on collection days, bins can be placed on Albert Street for kerbside collection.

Neighbours comments

40. The objection from the occupier of the first floor flat is noted. However, whilst planning permission can be granted for the development, this does not override the property rights of the occupier of the first floor flat and if the applicant cannot reach an agreement with the occupier of the flat over the use of the land in question, then the applicant will not be able to implement the planning permission.

**Planning Policies**

National Planning Policies:

National Planning Policy Framework (NPPF)

Adopted Chorley Borough Local Plan Review

Policies: GN1 / GN5 / EP9 / EP16 / HS4 / HS6 / HS21 / HS22 / TR4

Supplementary Planning Guidance (SPG):

- Design Guide

Joint Core Strategy

Policy 1 / Policy 4 / Policy 5 / Policy 6 / Policy 17 / Policy 27 / Policy 29 / Supplementary Planning Document (SPD) on Design

Emerging Chorley Local Plan 2012-2026

ST4 / HS3 / HS3 / HS4A / HS4B / BNE1 / BNE9

**Planning History**

There is no recent planning history on the site.