

Item 4F	12/00270/FUL
Case Officer	Helen Lowe
Ward	Coppull
Proposal	Demolition of existing garage and erection of two one bedroomed flats
Location	1 Darlington Street, Coppull
Applicant	Mr Jon Wilkinson
Consultation expiry:	28th November 2014
Decision due by:	19th December 2014 (extension of time agreed)
Recommendation	Approve
Executive Summary	This application seeks approval for the demolition of an existing garage on land to the side of 1 Darlington Street and the erection of two flats. The site is located within the settlement boundary, in a sustainable location. Whilst the proposal would result in a shortfall of parking spaces according to the Council's Standards, LCC Highways have not raised any objections to the proposals. The proposals would not give rise to a significant loss of amenity for neighbouring residents and is accordingly recommended for approval.

Representations

Lindsay Hoyle MP has written on behalf of a resident of Spendmore Lane, asking how the planning application would affect the residents and emergency services right of way, as well how the parking situation in the area could be rectified.
Coppull Parish Council have stated that they have no objections to the proposals
In total four representations have been received which are summarised below
Objection
<ul style="list-style-type: none">• The proposal would remove an existing right of way to the rear entrances of 254/256/258/260/262 Spendmore Lane, Coppull;• In the event that the open space land at the rear of these properties was developed then there would be no legal access to the rear of these properties;• In an emergency, emergency services would have no access to the rear of these properties;• Parking in the immediate area is already inadequate, due to the recent building of one bedroom flats in John Street without dedicated parking space;• The development cannot be built without encroaching on a right of way;• Access to Darlington Street (from land to the rear of Spendmore Lane and the builders yard) would be very difficult;• The building would overlook the back gardens and block light and sunlight to them;• There would be dust and noise when building starts;• Queries are raised regarding the existence of asbestos and what will happen with it when the garage is knocked down.

Consultees

Consultee	Summary of Comments received
Chorley Council Waste and Contaminated Land Officer	No objection to the waste storage and collection arrangements
LCC Highways	The application provides for two one bedroom flats with provision for two car parking spaces. In accordance with the car parking standards the development should realistically provide for three car parking spaces, one space for 1 Darlington Street, and one space for the two flats. The development is still showing a shortfall in car parking provision of one space. It is not considered unreasonable to assume that it will be possible to accommodate the one space by on street car parking on the highway, even if it happens to be further away from the immediate site. Therefore, there are no highway objections.

Assessment

Principle of the Development

1. The application site is an area of land to the north of no. 1 Darlington Street, within the settlement boundary of Coppull. The land is presently used as parking for no. 1 Darlington Street. There is a single garage to the rear of the site. At present there is a fence 1.2m from the side gable of no.1, creating a passageway along the side of the existing dwelling. Properties on Spendmore Lane have a right of access over this land. This matter is discussed further below.
2. Policy HS3 of the emerging Local Plan deals with development within private residential gardens. The land in question however does not appear as, or function as, a garden to no. 1 Darlington Street, although it is land associated with that dwelling.
3. One of the core principles of the Framework is that development should be focussed in locations that are sustainable. It is considered that the site is located in a relatively sustainable location with easy access to public transport, amenities such as a supermarket and public house nearby and the means to access other amenities easily. The Framework also states that development in sustainable locations should be approved without delay.
4. It is considered that the proposal represents an efficient use of space within a sustainable location and is acceptable in principle (this is also discussed further below).

Neighbour Amenity

5. Policy BNE1 of the emerging Local Plan states that new development must not cause harm to any neighbouring property by virtue of overlooking, overshadowing, or by creating an overbearing impact.
6. The north facing gable of the proposed flats would be approximately 13.5m from the facing south facing gable of no. 3 Darlington Street. The proposed development has been amended so that a ground floor and first floor bedroom window are proposed in the north facing gable. There is one obscure glazed window at first floor level in the facing elevation of no. 3. The Council's interface standards require that there should be a minimum distance of 12m between blank gables and facing windows to habitable rooms.
7. Attached to the south facing gable of no. 3 Darlington Street is 1A Darlington Street, a single storey building with a mono-pitched roof that is presently used as offices for the builder's yard located to the rear (west). There are no windows on the side elevation of no. 1A facing the application site.
8. The rear elevation of the proposed development would be adjacent to a communal rear yard area that is used by occupants of properties on Spendmore Lane. The proposal has been amended to include one first floor window, serving a bathroom. A bathroom is considered to be a non-habitable room. It is recommended that a condition be attached requiring this window to be obscurely glazed.
9. A number of comments have been made by neighbouring residents regarding an existing pedestrian right of access that presently exists adjacent to the north facing side elevation of no. 1 Darlington Street. The proposed development would be built on this access, therefore it would no longer be able to be used. The rear of properties on Spendmore Lane can presently be accessed (on foot) via the access between the application site and no. 1A Darlington Street that leads to the adjacent builders yard. It does not appear that residents of Spendmore Lane have rights over this means of access.
10. Whilst the concerns of the residents of Spendmore Lane about the right of access over the application site are noted, this is ultimately a private matter between the residents and the applicant and not a material planning consideration. The application could not be refused for this reason.

Design and Appearance

11. Policy BNE1 of the emerging Local Plan states that a proposal for new development must not have a significantly detrimental impact on the surrounding area by virtue of its density, siting, layout, building to plot ratio, height, scale, massing, design, orientation and use of materials.
12. The proposed development would be in keeping with the adjacent properties, with window and door detailing and proportions to match the adjoining property, no. 1 Darlington Street. Materials would be to match the existing. The eaves and ridge height of the proposed development would match those of no. 1 Darlington Street. It is considered that the proposed development would be in keeping with the street scene.

Highway Safety

13. Policy ST4 of the emerging Local Plan states that new developments will need to make parking provision in accordance with the standards it sets out. Locations that are considered to be more sustainable and well served by public transport may be considered for lower levels of provision.
14. The proposal would result in the removal of all existing on street parking for no. 1 Darlington Street and the creation of two additional one bedroom dwellings. It is not known how many bedrooms the existing dwelling has. The Council's parking standards require that one bedroom dwelling should have at least one off road parking space and two to three bedroom dwelling should have at least two off road parking spaces. The applicant has purchased additional land and a detached garage to the rear of no. 3 Darlington Street in order to provide two off street parking spaces.
15. On street parking within the local area is limited as many neighbouring properties also have no off street parking. There are also double yellow lines immediately to the front of 1 Darlington Street and on John Street to the east. However, the application site is located centrally within the settlement of Coppull, within easy walking distance of the Local Centre as identified by policy EP7 of the emerging Local Plan and facilities such as a leisure centre, doctor's surgery and schools. Spendmore Lane also has regular bus routes and a bus stop is approximately 100m away. Taking these factors into consideration it is considered that it is acceptable to allow a reduction in the level of parking provision in this instance.

Section 106 agreement

16. The Open Space and Playing Pitch SPD was adopted for development control purposes at the Council meeting on 17th September 2013 and open space requirements relating to new housing schemes accord with emerging Local Plan Policies HS4A and HS4B and the approach in the SPD. However this development is for one dwelling which is below the 10 unit threshold set out within the NPPG and also has a combined gross floorspace of less than 1000m². 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.

CIL

17. The Chorley CIL Charging Schedule provides a specific amount for housing - £65 per sq. m. This was adopted in July 2013 and charging commenced on 1 September 2013. However, apartments are excluded from the schedule and therefore the development is not liable for CIL.

Overall Conclusion

18. The application site is located in a sustainable location and therefore the principle of the development is acceptable, as is the shortfall in parking provision. The proposal would not give rise to an undue loss of privacy or overbearing impact for occupiers of neighbouring properties. The proposal is therefore recommended of approval.

Planning Policies

19. In accordance with s.38 (6) Planning and Compulsory Purchase Act (2004), the application is to be determined in accordance with the development plan (the Central Lancashire Core Strategy, the Adopted Chorley Borough Local Plan Review 2003 and adopted Supplementary Planning Guidance), unless material considerations indicate otherwise. Consideration of the proposals has had regard to guidance contained with the National Planning Policy Framework (the Framework), the development plan and the emerging Local Plan 2012-2026. The specific policies/ guidance considerations are contained within the body of the report.

Note on the Emerging Chorley Local Plan 2012-2026

20. In October 2013, the Local Plan Inspector issued her partial report on the findings into the soundness of the Chorley Local Plan 2012-2026 which is a material consideration in the consideration of any planning application. In summary, the plan is considered to be legally compliant. In relation to soundness, the plan is considered sound, with the exception of matters relating to Gypsies and Travellers.

21. Paragraph 18 of the Partial Report states: *“For the avoidance of doubt, the Plan may not be adopted until it has been changed in accordance with all the main modifications set out in the Appendix to this partial report and any which may be specified in the Appendix of my forthcoming supplementary report. However because of the very advanced stage in the examination process that the main modifications set out in the Appendix have reached, significant weight should be attached to all policies and proposals of the Plan that are amended accordingly, where necessary, except for matters relating to Gypsies and Travellers.”*

22. The Council accepted the Local Plan Inspector’s modifications for Development Management purposes at its Executive Committee on 21st November 2013. It is therefore considered that significant weight can be given to her report, and to the policies and proposals of the emerging Local Plan, as amended by the main modifications.

23. Further consideration has been given to matters relating to Gypsies and Travellers, and the Local Plan Inspector’s Supplementary Report on Gypsy and Traveller and Travelling Showpeople was issued (08 May 2015) and it concludes that the part of the Chorley Local Plan dealing with Gypsy and Traveller and Travelling Showpeople policy and site allocation is also sound, providing a number of main modifications are made.

Planning History

Reference	Description	Decision	Date
08/00611/FUL	Removal of existing concrete garage and replace with new in the same location	Approved	22 September 2008
09/00003/FUL	Demolition of existing detached single storey garage and erection of a new two-storey single bedroom dwelling	Approved	5 March 2009

Suggested Conditions

No.	Condition									
1.	<p>The proposed development must be begun not later than three years from the date of this permission.</p> <p><i>Reason: Required to be imposed by Section 51 of the Planning and Compulsory Purchase Act 2004</i></p>									
2.	<p>The development hereby permitted shall be carried out in accordance with the following approved plans:</p> <table border="1" data-bbox="320 546 1302 725"> <thead> <tr> <th data-bbox="320 546 746 575">Title</th> <th data-bbox="746 546 1035 575">Drawing Reference</th> <th data-bbox="1035 546 1302 575">Received date</th> </tr> </thead> <tbody> <tr> <td data-bbox="320 575 746 651">Proposed new dwellings</td> <td data-bbox="746 575 1035 651">PCE-Wilkinson-February-12/layouts</td> <td data-bbox="1035 575 1302 651">4th July 2012</td> </tr> <tr> <td data-bbox="320 651 746 725">Location plan</td> <td data-bbox="746 651 1035 725">PCE-Wilkinson-February-12/Location</td> <td data-bbox="1035 651 1302 725">4th July 2012</td> </tr> </tbody> </table> <p><i>Reason: For the avoidance of doubt and in the interests of proper planning</i></p>	Title	Drawing Reference	Received date	Proposed new dwellings	PCE-Wilkinson-February-12/layouts	4 th July 2012	Location plan	PCE-Wilkinson-February-12/Location	4 th July 2012
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3.	<p>Prior to the commencement of development samples of all external facing and roofing materials (notwithstanding any details shown on previously submitted plan(s) and specification) shall be submitted to and approved in writing by the Local Planning Authority. All works shall be undertaken strictly in accordance with the details as approved.</p> <p><i>Reason: To ensure that the materials used are visually appropriate to the locality.</i></p>									
4.	<p>Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any Order revoking or re-enacting that Order, with or without modification), no windows/dormer windows/rooflights other than those expressly authorised by this permission shall be inserted or constructed at any time in the west elevation of the dwellings hereby permitted.</p> <p><i>Reason: To protect the amenities and privacy of the adjoining property</i></p>									
5.	<p>All windows in the first floor of the west elevation of the dwellings hereby permitted 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.</p> <p><i>Reason: In the interests of the privacy of occupiers of neighbouring property.</i></p>									
6.	<p>All new dwellings are required to achieve a minimum Dwelling Emission Rate of 19% above 2013 Building Regulations.</p> <p><i>Reason: Policy 27 of the Adopted Central Lancashire Core Strategy requires new dwellings to be built to Code for Sustainable Homes Level 4 however following the Deregulation Bill 2015 receiving Royal Assent it is no longer possible to set conditions with requirements above a Code Level 4 equivalent. However as Policy 27 is an adopted Policy it is still possible to secure energy efficiency reduction as part of new residential schemes in the interests of minimising the environmental impact of the development.</i></p>									
7.	<p>Prior to the commencement of the development details shall be submitted to and approved in writing by the Local Planning Authority demonstrating that each dwelling will meet the required Dwelling Emission Rate. The development thereafter shall be completed in accordance with the approved details.</p> <p><i>Reason: Policy 27 of the Adopted Central Lancashire Core Strategy requires new dwellings to be built to Code for Sustainable Homes Level 4 however following the Deregulation Bill 2015 receiving Royal Assent it is no longer possible to set</i></p>									

	<p><i>conditions with requirements above a Code Level 4 equivalent. However as Policy 27 is an adopted Policy it is still possible to secure energy efficiency reductions as part of new residential schemes in the interests of minimising the environmental impact of the development. This needs to be provided prior to the commencement so is can be assured that the design meets the required dwelling emission rate.</i></p>
8.	<p>No dwelling hereby approved shall be occupied until a SAP assessment (Standard Assessment Procedure), or other alternative proof of compliance (which has been previously agreed in writing by the Local Planning Authority) such as an Energy Performance Certificate, has been submitted to and approved in writing by the Local Planning Authority demonstrating that the dwelling has achieved the required Dwelling Emission Rate.</p> <p><i>Reason: Policy 27 of the Adopted Central Lancashire Core Strategy requires new dwellings to be built to Code for Sustainable Homes Level 4 however following the Deregulation Bill 2015 receiving Royal Assent it is no longer possible to set conditions with requirements above a Code Level 4 equivalent. However as Policy 27 is an adopted Policy it is still possible to secure energy efficiency reductions as part of new residential schemes in the interests of minimising the environmental impact of the development.</i></p>
9.	<p>The parking facilities shown on the plans hereby approved shall be surfaced or paved, drained and marked out and made available in accordance with the approved plan prior to the occupation of any of the buildings; such parking facilities shall thereafter be permanently retained for that purpose (notwithstanding the Town and Country Planning (General Permitted Development) Order 2015).</p> <p><i>Reason: To ensure provision of adequate off-street parking facilities within the site</i></p>