

**Item B. 3**                      **07/00247/FUL**                      **Permit (Subject to Legal Agreement)**

**Case Officer**                      **Miss Helen Green**

**Ward**                                      **Chisnall**

**Proposal**                              **Erection of 2 no. detached dwellings, one with integral garage and one with detached single garage.**

**Location**                              **Land North Of 26 Chorley Lane Charnock Richard**

**Applicant**                              **Delph Homes Ltd**

**Proposal**                              This application was deferred for a site visit at the Development Control meeting in April.

The application is for the erection of 2 no. detached dwellings, one with an integral garage and one with a detached single garage at land north of 26 Chorley Lane, Charnock Richard.

The application site is located within the rural settlement of Charnock Richard. The 2 proposed detached dwellings will be located on land to the north of No.26 Chorley Lane, permission for a replacement dwelling for No.26 was granted on this site in 2003 (03/00628/FUL).

The current application is a resubmission of a previous application for 2 detached dwellings on land north of No.26 Chorley Lane. The previous application was withdrawn on 26<sup>th</sup> January 2007.

**Planning Policy**                      **GN4- Settlement Policy – Other Rural Settlements**  
**GN5- Building Design and Retaining existing landscape Features and Natural Habitats**  
**HS4- Design and layout of residential developments**  
**HS6- Housing Windfall Sites**  
Supplementary Planning Guidance – Design Guidance

**Planning History**                      **06/01374/FUL – Erection of two detached two storey dwellings, one with attached and one with integral garage – Withdrawn, 26<sup>th</sup> January 2007**

**Consultations**                              **Lancashire County Council Highways – No objection**

**Director of Streetscene, Neighbourhood and the Environment** – In accordance with the recommendation in PPS23 (2004), The applicant should undertake a desktop study to identify any potential sources of land contamination associated with the development of the site. A copy of this report should be forwarded to the Councils Planning Unit for approval. If the potential for contamination is confirmed, further studies by the developer to assess the risks and identify and appraise the options for remediation will be required.

In relation to noise, The site is suitable for residential development subject to the implementation of the following noise control measures:

1. No dwelling shall be built within 16 metres of the railway
2. Acoustic double-glazed windows to be provided in all habitable room windows with an unobstructed view towards the railway. Specifications of the windows are to be approved by the Local Planning Authority.

Acoustically treated ventilation units (e.g. Silavent acoustic air bricks) to be provided for all habitable rooms, with windows, that have an unobstructed view of the railway. Specifications of the units are to be approved by the Local Planning Authority.

**Director of Streetscene, Neighbourhood and the Environment (Arboricultural Officer)** – The application should have a negligible impact on the trees in the area. There are only two trees along the railway embankment (Sycamore and Oak), which would require pruning of overhanging branches, and there is no objection from an arboricultural standpoint.

**Parish Council** – The Council's objections remain unchanged. The development would constitute an over intensification of the site resulting in a severe loss of amenity to all the neighbours. The proposed dwellings are too close to existing dwellings in Church Fold. This constitutes back garden development, none of which exists in Charnock Richard and would therefore not be in keeping with the existing streetscene. The proposed access would compromise highway safety, as this is a single width access road serving two properties, with no passing places. On exiting the proposed access sightlines could be obscured by the narrowness of the splay and the addition of parked cars from dwellings on Chorley Lane. The residents of Church Fold would also have a loss of visual amenity by the erection of the 1.8 metre high fence around the gardens of the proposed houses.

**Network Rail** – no objection in principle to the development but set out a number of requirements, which should be met:

- The developer should be aware that any development for residential use adjacent to an operational railway may result in neighbour issues arising from train movements and associated operations. It is normal for an application in this proximity to a railway to be accompanied by an acoustic assessment. It does not appear that such an assessment has been prepared. Advice should be obtained from the Councils Environmental Health Officers in order to ascertain the appropriateness of the development in this respect;
- Because of the nature of the proposed developments, and the increase in activity that is likely to arise, particularly with bin stores and rear access paths, it is considered that there will be an increased risk of trespass onto the railway. The developer should therefore provide a suitable trespass proof fence at the rear of the site adjacent to Network Rails boundary (approx 1.8m high) and make provision for its

future maintenance and renewal. This should be subject of a condition on any permission;

- All surface water and foul water arising from the proposed works must be collected and diverted away from Network Rail property. In the absence of detailed plans all soakaways must be located so as to discharge away from the railway infrastructure.

**Conservation Manager** – No comments received

## **Representations**

Eight letters of objection have been received from the following neighbours:

26 Chorley Lane, Charnock Richard  
24A Chorley Lane, Charnock Richard  
3 Church Fold, Charnock Richard  
4 Church Fold, Charnock Richard  
5 Church Fold, Charnock Richard  
6 Church Fold, Charnock Richard  
7 Church Fold, Charnock Richard

Letter from Janet Dixon Town Planners Ltd on behalf of No's 5 and 6 Church Fold and No's 24A and 26 Chorley Lane.

Objections have been raised on the following grounds:

- The proposed buildings would be inappropriately large for the plot and would have a detrimental effect on the character of the area;
- Character of the existing cul-de-sac Church Fold will be seriously altered, 1.8 metre fence will close the open westerly aspect;
- The properties do not fall in line with existing front elevations of properties 1 to 5 in Church Fold;
- The spacing between the two houses is far less than the rest of the close;
- If all detached houses and bungalows with large gardens were back filled in this manner the whole character of the village will be changed;
- A minimum of 4 cars but as many as 10 would use the narrow driveway which would cause noise and disturbance;
- The proposed houses will have to share a narrow driveway, only have single garages and hardly any turning space this will lead to parking on Chorley Lane which is narrow and potentially dangerous at this point;
- Potential for cars to reverse out onto Chorley Lane;
- Substandard and potentially unsafe access arrangements;
- First floor windows will directly overlook the garden, living room, conservatory and three bedrooms of 26 Chorley Lane;
- Windows are barely 21 metres away but as the site rises by at least 0.5 metres the house should be a further 2 metres away;
- Bedroom windows in Plot 1 will also take away privacy and are less than 10 metres away;

- Back land or tandem development creates an amenity impact on no's 5, 24A and 26 by introducing a road directly alongside their rear gardens;
- Reduction in light and shadows to surrounding properties as a result of development;
- Risk of surface water drainage onto neighbouring gardens;
- Loss of light to the front rooms of 5 Church Fold;
- Loss of privacy through overlooking and vehicular access to the side of the property;
- The laurel hedge proposed could grow to 12-15 metres in height which would ruin the open aspect of Church Fold;
- The raising of the site levels is not mentioned in the tree report so the arboriculturalist has not provided a realistic assessment of the survival of the trees;

## **Assessment**

In assessing this application the main issues to take into account are neighbour amenity, highway safety, accessibility, scale and layout and landscape features.

Taking the comments of The Director of Streetscene, neighbourhoods and Environment into account there is a distance of 20 metres between the railway line and the western facing boundary of the proposed development site. It is therefore considered that an acoustic assessment would not be required in this case.

Taking the comments of Network Rail into account the following informatives are recommended:

- The proposed 1.8 metre high fence located on the western facing boundary of the site adjacent to Network Rails boundary shall be trespass proof and the developer should make suitable provisions for its future maintenance and renewal.
- All surface and foul water arising from the proposed works must be collected and diverted away from Network Rail property. Soakaways must be located so as to discharge away from the railway infrastructure.

### *Neighbour Amenity:*

The 2 dwellings proposed as part of this application will be located on land to the north of 26 Chorley Lane. Both properties will incorporate four bedrooms at first floor level, Plot 1 will incorporate a single detached garage and Plot 2 will incorporate an integral garage.

The Councils interface guidelines state that windows to habitable rooms at first floor level, which overlook neighbouring garden areas, should be a minimum of 10 metres from the boundaries, which they face. Where the proposed slab levels are 0.5 metres or more above that of neighbouring existing housing the spacing guidelines should be increased by 1 metre for every 0.25 metre difference in the slab level. In addition to the above guidelines windows to habitable rooms at first floor level should be a minimum of 21 metres from any such facing windows in neighbouring houses.

Plot 1 will be a distance of 10 metres from the boundary with neighbouring property No.26 Chorley Lane. There are a number of first floor facing windows located in the rear elevation of No.26 Chorley Lane and the front facing elevation of Plot 1, there will be a distance of 23 metres between the front elevation of Plot 1 and the rear facing elevation of No.26 Chorley Lane.

Although there will be a difference in levels between that of the proposed dwellings and neighbouring property the difference in finished floor level will be less than 0.5 metres and therefore the need for increased interface distances will not apply in this case.

In addition to the above points the proposed garage for Plot 1 will be located adjacent to the rear facing boundary of the proposed dwelling at Plot 1. A laurel hedge and 2 silver birch trees are proposed on the boundary with neighbouring property No.26 which will also provide an amount of screening and will act as a buffer between the proposed dwellings and neighbouring property.

The proposed dwelling at Plot 2 will not directly face any first floor facing windows located in the front elevation of No.26. The proposed dwelling at Plot 2 will be set back approximately 0.9 metres beyond the rear elevation of neighbouring property No. 5 Church Fold. The side elevation of the house type located at Plot 2 will be hipped away from the side elevation of No.5 Church Fold.

There is a 1.8 metre high fence proposed along the eastern facing boundary of the site adjacent with the garden areas of No.5 Church Fold and 24A Chorley Lane. It is also proposed to plant a laurel hedge behind the screen fence, which will serve to provide an amount of screening and will act as a buffer between the proposed development and existing neighbouring property. There are no windows positioned in the side elevation of No.5 Church Fold adjacent to the side elevation of Plot No.2.

Other issues have been raised by 3<sup>rd</sup> parties in relation to loss of light, noise and disturbance and risk of surface water run off onto neighbouring gardens. Due to the orientation of the properties in relation to neighbouring properties it is considered that the proposed development would not have such a significant impact in terms of loss of light or overshadowing to warrant a refusal on this basis. In terms of noise and disturbance the development will be located within a predominantly residential area and therefore the development is considered to be compatible with surrounding uses. In relation to surface water run off a relevant condition can be attached to any permission in order to ensure that the development does not adversely affect neighbouring property in this way.

Taking the above points into account it is considered that the development will comply with Policy HS4 and HS6 in that the development would not adversely impact on neighbouring property to such an extent to warrant a refusal of the application on this basis.

#### *Scale and Layout*

Policy HS4 in relation to proposals for residential development states that proposals will be permitted providing that they respect

the surrounding area in terms of scale, design, layout, building style and facing materials.

Since the withdrawal of the previous application (06/01374/FUL) the size and scale of the proposed dwellings have been reduced. The overall size of Plot 1 has been reduced by 23% and the size of Plot 2 has been reduced by 29% since the previous application. This reduction in size has resulted in a more acceptable form of development in that the proposed dwellings will now sit more comfortably within the site with a sufficient amount of amenity space provided for each of the plots. Although it is accepted that the proposed development will be visible from the head of the cul-de-sac on Church Fold, the dwellings will not significantly project beyond the building line of Church Fold and the proposed planting along the eastern facing boundary will provide a screen between the proposed development and Church Fold.

The proposed development will be located within a predominantly residential area. The immediate vicinity is characterised by detached properties many of which are different in design. It is considered that the proposed development will fit in with the site surroundings and other development within the area.

#### *Highway Safety*

Access to the proposed development will be via an existing access located adjacent to the eastern elevation of No.26 Chorley Lane. Both of the proposed dwellings will have either a single detached or single integral garage. Lancashire County Council Highways have been consulted as part of this application and have no objection to the proposed development on the grounds of highway safety. Therefore a refusal of the application could not be sustained on this basis.

#### *Landscape*

The current application was submitted with a Tree Survey. The application site is not located within a Conservation Area. There are no trees located within the site which are subject of a Tree Preservation Order. It is not proposed to remove any of the trees surrounding the site. As the footprint for Plot 1 has been moved away from the western boundary of the site adjacent with the railway line it is not anticipated that the development will have any undue impact on the trees positioned on the embankment side. Notwithstanding this the trees are located on land associated with the railway and permission would have to be sought from the relevant body in order to carry out works to these trees. A hedge and additional tree planting is proposed within the site, which will provide additional screening and soften the impact of the development from Church Fold.

In June 2003 the Council resolved to amend its policy on the planning and provision of equipped play areas associated with new housing developments. This is an interim change pending the production of Supplementary Planning Guidance which is intended to form a more substantial review. Therefore a financial contribution towards equipped play space is required in respect of the scheme and the proposal is subject to a Section 106 Agreement.

**Conclusion** It is considered that the proposed development complies with the relevant policies of the Adopted Chorley Borough Local Plan Review. It is therefore recommended that permission be granted subject to a Section 106 Agreement.

**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 91 of the Town and Country Planning Act 1990.

2. This consent relates to the following plans:

Plan Ref.	Received On:	Title:
06/161/P10 Rev A	7 March 2007	Site Sections
06/161/P01 Rev E	4 April 2007	Proposed Site Plan
06/161/P09	7 March 2007	1800mm high boundary fence, northern and party boundaries
06/161/P08	7 March 2007	1800mm high boundary fence, eastern and western boundaries
06/161/P07	7 March 2007	Detached Garage
06/161/P05	7 March 2007	Plot 1 House Type 4H 1135 Plans & Elevations
06/161/P06 Rev B	4 April 2007	Plot 2 House Type 4H 1126 Plans & Elevations
06/161/P04	7 March 2007	Location and Site Plan

*Reason:* To define the consent and to ensure all works are carried out in a satisfactory manner.

3. Before the development hereby permitted is first commenced, full details of the position, height and appearance of all fences 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 shown in the approved details to bound its plot have been erected in conformity with the approved details. Other fences 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. 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 and EM2 of the Adopted Chorley Borough Local Plan Review.

5. 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 and EP19 of the Adopted Chorley Borough Local Plan Review.

6. Before the development hereby permitted is first commenced full details of the means of foul water drainage/disposal shall have been submitted to and approved in writing by the Local Planning Authority. No dwelling shall be occupied until the works for foul water drainage/disposal have been completed in accordance with the approved details.

*Reason: To ensure proper drainage of the development and in accordance with Policy No. EP17 of the Adopted Chorley Borough Local Plan Review.*

7. The layout of the development shall include provisions to enable vehicles to enter and leave the highway in forward gear. This vehicular turning space shall be laid out and be available for use before the development is first occupied.

*Reason: Vehicles reversing to and from the highway are a hazard to other road users and in accordance with Policy No TR4 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 external facing materials to the proposed building(s) (notwithstanding any details shown on the 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, HS4, of the Adopted Chorley Borough Local Plan Review.*

9. The garages hereby permitted shall only be used for purposes incidental to the enjoyment of the dwellinghouse, including the parking of cars. The garage shall not be used for any trade or business purposes.

*Reason: In order to safeguard the residential amenity and character of the area and in accordance with Policy Nos. DC8A, DC8B, HS4 and HS9 of the Adopted Chorley Borough Local Plan Review.*

10. 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, HS4 of the Adopted Chorley Borough Local Plan Review.*

11. Notwithstanding the Provisions of the Town and Country Planning (General Permitted Development) Order 1995, (Schedule 2, Part1, Classes A to E), or any order amending or revoking and re-enacting that Order, no alterations or extensions shall be undertaken to the dwelling(s) hereby permitted, or any garage, shed or other outbuilding erected (other than those expressly authorised by this permission).

*Reason: To protect the appearance of the locality and in accordance with Policy No. HS4 of the Adopted Chorley Borough Local Plan Review.*

12. 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 No. GN5 of the Adopted Chorley Borough Local Plan Review.*

13. 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 No GN5 of the Adopted Chorley Borough Local Plan Review.*

14. No development shall take place until a desktop study in order to identify any potential sources of land contamination associated with the development has been carried out and approved in writing by the Local Planning Authority. If the potential for contamination is confirmed further studies by the developer to assess the risks and identify and appraise the options for remediation will be required.

*Reason: To protect the environment and to prevent harm to human health by ensuring that the land is remediated to an appropriate standard in accordance with Policy No. EP16 of the Adopted Chorley Borough Local Plan Review.*

15. All windows in the first floor eastern facing elevation of Plot 1 shall be fitted with obscure glass and obscure glazing shall be retained at all times thereafter.

*Reason: In the interests of the privacy of occupiers of neighbouring property and in accordance with Policy Nos. GN5, HS4 and HS6 of the Adopted Chorley Borough Local Plan Review.*

16. All windows in the first floor western facing elevation of Plot 2 shall be fitted with obscure glass and obscure glazing shall be retained at all times thereafter.

*Reason: In the interests of the privacy of occupiers of neighbouring property and in accordance with Policy Nos. GN5, HS4 and HS6 of the Adopted Chorley Borough Local Plan Review.*

17. Acoustic double glazed windows shall be provided in all habitable rooms with an unobstructed view towards the railway. Acoustically treated ventilation units (e.g Silavent acoustic air bricks) shall be provided for all habitable rooms, with windows which have an unobstructed view of the railway. Full details of the windows and ventilation units shall be submitted to and approved in writing by the Local Planning Authority.

*Reason: In the interests of the occupiers of the proposed dwellings and in accordance with Policy EP20 of the Adopted Chorley Borough Local Plan Review.*

18. The proposed Laurel Hedge and Rowan Trees adjacent to the eastern facing boundary of the site shall be planted prior to first occupation of Plot 2.

*Reason: In the interests of the privacy of occupiers of neighbouring property and in accordance with Policy GN5, HS4 and HS6 of the Adopted Chorley Borough Local Plan Review.*

19. The development shall be implemented in strict accordance with the details of levels submitted on drawing No's 06/161/PO1 Rev E and 06/161/PO1 Rev A, including the finished floor levels of all buildings as indicated on the approved plans.

*Reason: In the interests of the privacy of occupiers of neighbouring property and in accordance with Policy GN5, HS4 and HS6 of the Adopted Chorley Borough Local Plan Review.*

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